

**OFFICIAL JOURNAL
OF THE
SENATE
OF THE
STATE OF LOUISIANA**

THIRTY-SIXTH DAY'S PROCEEDINGS

**Thirtieth Regular Session of the Legislature
Under the Adoption of the
Constitution of 1974**

Senate Chamber
State Capitol
Baton Rouge, Louisiana

Thursday, June 3, 2004

The Senate was called to order at 1:30 o'clock P.M., by Hon. Donald E. Hines, President of the Senate.

ROLL CALL

The roll was called with the following result:

PRESENT

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

ABSENT

Total—0

The President of the Senate announced there were 39 Senators present and a quorum.

Prayer

The prayer was offered by Reverend Mary Moss, following which the Senate joined in pledging allegiance to the flag of the United States of America.

Reading of the Journal

On motion of Senator Bajoie, the reading of the Journal was dispensed with and the Journal of yesterday was adopted.

Morning Hour

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent Resolutions, a first and second time and acting upon them as follows:

SENATE RESOLUTION NO. 108—

BY SENATOR AMEDEE

A RESOLUTION

To commend the St. Amant High School baseball team upon winning the 2004 Class 5A State Baseball Championship.

On motion of Senator Amedee, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 141—

BY SENATOR SMITH AND REPRESENTATIVE FANNIN

A CONCURRENT RESOLUTION

To urge and request the president of the Louisiana Community and Technical College System to allocate \$350,000 from Carl D. Perkins Vocational Education funds to the Louisiana Agriculture Education Office for the continued funding of administrative support of the state's Agricultural Education Program.

The resolution was read by title. Senator Smith moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Michot
Amedee	Fontenot	Mount
Bajoie	Gautreaux, B	Schedler
Barham	Gautreaux, N	Smith
Cain	Hollis	Theunissen
Chaisson	Irons	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—25		

NAYS

Total—0

ABSENT

Boasso	Hainkel	Marionneaux
Boissiere	Heitmeier	McPherson
Cheek	Holden	Nevers
Cravins	Jackson	Romero
Dardenne	Jones	
Total—14		

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

**Privilege Report of the
Legislative Bureau**

June 3, 2004

To the President and Members of the Senate:

I am directed by your Legislative Bureau to submit the following report:

The following bills are approved as to construction and duplication. We advise and suggest the following amendments to the engrossed bills.

HOUSE BILL NO. 148—

BY REPRESENTATIVES GALLOT AND MURRAY
AN ACT

To amend and reenact Code of Civil Procedure Article 1443, relative to the taking of depositions; to provide for the manner of objections and the conduct of counsel; to specify when a deponent may be instructed not to answer; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 188—

BY REPRESENTATIVE RICHMOND
AN ACT

To enact R.S. 14:97.2, relative to obstructing highways of commerce; to create the crime of unlawful sale, purchase, possession, or use of traffic signal preemption devices; to provide for criminal penalties; to provide for definitions; to provide for exceptions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 230—

BY REPRESENTATIVE PIERRE
AN ACT

To enact R.S. 15:144(E), relative to judicial district indigent defender boards; to provide for autonomy and independence of indigent defender boards and appointed counsel; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 252—

BY REPRESENTATIVES BROOME, BOWLER, ALEXANDER, ANSARDI, JOHNS AND WALKER AND SENATORS HAINKEL AND SCHEDLER
AN ACT

To enact Part II of Chapter 2 of Code Title IV of Title 9 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 9:293 through 298, and R.S. 9:307(C) and (D), relative to covenant marriage; to provide for applicable law; to provide for incidents of marriage; to provide for obligations; to provide for rights and duties; to provide for counseling; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 362—

BY REPRESENTATIVE MARTINY
AN ACT

To enact Code of Criminal Procedure Article 345(H), relative to the surrender of defendants into custody; to provide that officers charged with defendant's detention provide surety with receipt

for fees collected in connection with the surrender of the defendant; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 542—

BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact Code of Criminal Procedure Article 611, relative to venue; to provide for venue of certain murder cases in the parish where the body of the victim was found; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 580—

BY REPRESENTATIVE DORSEY
AN ACT

To enact R.S. 46:2525.1, relative to violence against women; to create the Louisiana Task Force on Violent Crime Against Women; to provide for the membership and the duties of that task force; and to provide for related matters.

Reported with amendments.

LEGISLATIVE BUREAU AMENDMENTS

Amendments proposed by Legislative Bureau to Engrossed House Bill No. 580 by Representative Dorsey

AMENDMENT NO. 1

On page 1, line 11, following "of" change "thirteen" to "fourteen"

HOUSE BILL NO. 586—

BY REPRESENTATIVE ROMERO
AN ACT

To amend and reenact R.S. 14:32.1(B), relative to vehicular homicide; to increase the maximum criminal penalties for the crime of vehicular homicide; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 587—

BY REPRESENTATIVE ROMERO
AN ACT

To enact R.S. 15:499(C), relative to evidence from criminalistics laboratories; to provide relative to electronic signatures on certificates of analysis; to provide for definitions; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 613—

BY REPRESENTATIVE HEBERT (BY REQUEST)
AN ACT

To enact R.S. 9:346 through 348, relative to visitation rights; to provide relative to intentional violations of court orders; to provide relative to public interaction with a child; to provide relative to parenting interference; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 622—

BY REPRESENTATIVE HEBERT
AN ACT

To enact R.S. 13:4611(1)(e)(iv) and (f) and Children's Code Article 1509(E)(4) and (F), relative to penalties for contempt of court; to authorize the court to award attorney fees; to provide for the modification of an order; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 690—

BY REPRESENTATIVE BADON
AN ACT

To enact R.S. 14:95.1.1, relative to offenses affecting the public safety; to create the crime of illegally supplying a felon with a firearm; to provide for penalties; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 738—

BY REPRESENTATIVE MARTINY
AN ACT

To enact Code of Criminal Procedure Article 775.1, relative to mistrials; to provide for an automatic twenty-four-hour stay of proceedings following declaration of a mistrial; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 784—

BY REPRESENTATIVE M. POWELL
AN ACT

To amend and reenact R.S. 15:1356(E) and to enact R.S. 15:1352(A)(16) and (17), relative to the Louisiana Racketeering Act; to add the offenses of money laundering and pandering to the definition of racketeering activity; to amend the heading of Chapter 11 of Title 15 of the Louisiana Revised Statutes of 1950; to delete reference to "drug" in racketeering statute; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 918—

BY REPRESENTATIVE BALDONE
AN ACT

To enact Code of Criminal Procedure Article 336.2, relative to operating a vehicle while intoxicated; to require an ignition interlock device as a condition of release on bail for certain persons arrested for certain alcohol-related driving offenses; to provide for procedures; to provide for waiver of this requirement by courts in certain circumstances; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1097—

BY REPRESENTATIVES WALKER AND ANSARDI
AN ACT

To amend and reenact R.S. 9:2798.4(A)(1), relative to liability of the state, a state agency, or political subdivision or any person for injuries sustained by an intoxicated operator of a motor vehicle,

aircraft, watercraft, or vessel; to provide for the blood alcohol level of the operator; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1225—

BY REPRESENTATIVE M. POWELL
AN ACT

To amend and reenact R.S. 14:123(C)(4), relative to the crime of perjury; to clarify the penalty provisions for that crime; to provide that the penalty provisions for perjury committed "in all other cases" applies to perjury when committed in any civil action, or in any administrative proceeding, or in any legislative hearing or proceeding, or in any other legal proceeding; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1445—

BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 40:2616(A)(1), relative to forfeited property; to authorize the sale of forfeited property by a licensed auctioneer; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1458—

BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact Code of Criminal Procedure Article 930.8(C), relative to the prescriptive period for post-conviction relief; to provide for notice to the defendant of the prescriptive period for post-conviction relief; to provide for waiver of rights; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1477 (Substitute for House Bill No. 1383 by Representative Townsend)—

BY REPRESENTATIVES RICHMOND, TOWNSEND, DORSEY, MURRAY, AND SHEPHERD
AN ACT

To enact R.S. 13:1568.3, relative to special divisions of juvenile courts; to provide for divisions of court to have special jurisdiction over child in need of care proceedings; to provide for divisions of court to have special jurisdiction over delinquency proceedings; to provide for applicability to juvenile courts in certain parishes; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1480—

BY REPRESENTATIVE FRITH
AN ACT

To enact R.S. 9:1254, relative to certain enclosed estates; to provide for the right and servitude of passage on certain waterways; to provide for alternate waterways; to provide for applicability; to provide for clarification of existing law; to provide for application; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1568—BY REPRESENTATIVE TOWNSEND
AN ACT

To enact R.S. 13:996.22.1, relative to judicial expense funds of district courts; to increase the amounts allocated to the funds from the disposition of certain criminal cases; to provide for applicability to judicial district courts with a territorial jurisdiction that is coterminous with any parish with a population of between thirty-nine thousand and forty thousand five hundred; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1681—BY REPRESENTATIVES TRAHAN, ALEXANDER, JOHNS,
ROBIDEAUX, AND WALKER
AN ACT

To amend and reenact R.S. 9:2799.5(B)(3), relative to limitations of liability; to provide for the screening and determination of eligibility by a community health care clinic or community pharmacy; to authorize the arrangement of health care services; to provide assistance for enrollment; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1710 (Substitute to House Bill No. 901 by Representative Baldone)—BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 15:306(B), relative to conditions of probation; to provide with respect to proof of installation of ignition interlock devices when imposed as a condition of probation; and to provide for related matters.

Reported without amendments.

HOUSE BILL NO. 1712 (Substitute for House Bill No. 917 by Representative Baldone)—BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 32:415(B) and 415.1(A)(1)(introductory paragraph), relative to operating a vehicle with a suspended, revoked, or canceled license; to require courts to order certain licensees to install ignition interlock devices; to provide for the period of time in which the ignition interlock device shall remain on the vehicle; and to provide for related matters.

Reported without amendments.

Respectfully submitted,
ARTHUR J. "ART" LENTINI
Chairman

Adoption of Legislative Bureau Report

On motion of Senator Lentini, the Legislative Bureau amendments were adopted and the Bills and Joint Resolutions were read by title and passed to a third reading.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 187—BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 15:85.2, relative to criminal bonds; to require the assessment of a fee in connection with criminal bonds in the parishes of Iberia, St. Mary, and St. Martin; to provide for the distribution of the proceeds; to provide for procedures for a waiver or refund of the fee; and to provide for related matters.

HOUSE BILL NO. 377—BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 30:2054(B)(8) and R.S. 32:1306(C)(3), relative to motor vehicle emissions inspections; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to provide for fees for vehicle inspections; to provide for disposition of funds; and to provide for related matters.

HOUSE BILL NO. 397—BY REPRESENTATIVES HEBERT AND CROWE
AN ACT

To enact Part VI-A of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2365, relative to small businesses; to provide for deferment of certain fees for newly created small businesses; and to provide for related matters.

HOUSE BILL NO. 803—BY REPRESENTATIVES BEARD, ALEXANDER, BAUDOIN,
BOWLER, CROWE, DAMICO, DARTEZ, DOWNS, DURAND, ERDEY,
FANNIN, FAUCHEUX, FRITH, FUTRELL, E. GUILLORY, M.
GUILLORY, HEBERT, HUTTER, JOHNS, KATZ, KENNARD,
KENNEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY,
MCDONALD, MCVEA, PIERRE, M. POWELL, SCALISE, SMILEY,
JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN,
THOMPSON, TOWNSEND, TRAHAN, WADDELL, WHITE,
WOOTON, AND WRIGHT

AN ACT

To enact Part XIX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.36 through 1299.36.8, and R.S. 37:1285(A)(32), all relative to human cloning; to provide for definitions; to provide for exceptions; to prohibit the expenditure of state funds for the purpose of human cloning; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1105—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 27:308(B), relative to the Video Draw Poker Devices Control Law; to provide with respect to sanctions of licensees; to provide limitations on sanctions for failure to disclose misdemeanor criminal offenses in license renewal applications; and to provide for related matters.

HOUSE BILL NO. 1163—

BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact R.S. 40:2404(9) and to enact R.S. 17:416.19 and R.S. 40:2404(11), relative to school resource officers; to provide for the contracting of school resource officers by school systems; to provide for definitions and qualifications; and to provide for related matters.

HOUSE BILL NO. 1652—

BY REPRESENTATIVES THOMPSON AND STRAIN
AN ACT

To amend and reenact R.S. 17:3041.10 and 3041.11 and to enact Chapter 20-A-2 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3041.21 through 3041.26, relative to the tuition payment program for medical school students; to provide relative to program eligibility criteria, purposes, definitions, number of recipients, and contractual obligations; and to provide for related matters.

HOUSE BILL NO. 1657—

BY REPRESENTATIVE DARTEZ
AN ACT

To amend and reenact R.S. 18:463(A)(2) and to enact R.S. 18:491(C) and 492(A)(5), relative to qualifying for elective public office; to require certain certifications on the notice of candidacy; to provide that falsely certifying certain information on the notice of candidacy constitutes grounds for objection to candidacy; to provide that the Supervisory Committee on Campaign Finance Disclosure has standing to object to the candidacy of certain persons on certain grounds; to provide for definitions; to provide for penalties; and to provide for related matters.

Respectfully submitted,
ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 187—

BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 15:85.2, relative to criminal bonds; to require the assessment of a fee in connection with criminal bonds in the parishes of Iberia, St. Mary, and St. Martin; to provide for the distribution of the proceeds; to provide for procedures for a waiver or refund of the fee; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 377—

BY REPRESENTATIVE DAMICO
AN ACT

To amend and reenact R.S. 30:2054(B)(8) and R.S. 32:1306(C)(3), relative to motor vehicle emissions inspections; to provide for the powers and duties of the secretary of the Department of Environmental Quality; to provide for fees for vehicle inspections; to provide for disposition of funds; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 397—

BY REPRESENTATIVES HEBERT AND CROWE
AN ACT

To enact Part VI-A of Chapter 39 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2365, relative to small businesses; to provide for deferment of certain fees for newly created small businesses; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 803—

BY REPRESENTATIVES BEARD, ALEXANDER, BAUDOIN, BOWLER, CROWE, DAMICO, DARTEZ, DOWNS, DURAND, ERDEY, FANNIN, FAUCHEUX, FRITH, FUTRELL, E. GUILLORY, M. GUILLORY, HEBERT, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, LABRUZZO, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, PIERRE, M. POWELL, SCALISE, SMILEY, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOWNSEND, TRAHAN, WADDELL, WHITE, WOOTON, AND WRIGHT

AN ACT

To enact Part XIX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1299.36 through 1299.36.8, and R.S. 37:1285(A)(32), all relative to human cloning; to provide for definitions; to provide for exceptions; to prohibit the expenditure of state funds for the purpose of human cloning; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1105—

BY REPRESENTATIVE WOOTON
AN ACT

To amend and reenact R.S. 27:308(B), relative to the Video Draw Poker Devices Control Law; to provide with respect to sanctions of licensees; to provide limitations on sanctions for failure to disclose misdemeanor criminal offenses in license renewal applications; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1163—

BY REPRESENTATIVE LAFLEUR
AN ACT

To amend and reenact R.S. 40:2404(9) and to enact R.S. 17:416.19 and R.S. 40:2404(11), relative to school resource officers; to provide for the contracting of school resource officers by school systems; to provide for definitions and qualifications; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1652—BY REPRESENTATIVES THOMPSON AND STRAIN
AN ACT

To amend and reenact R.S. 17:3041.10 and 3041.11 and to enact Chapter 20-A-2 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3041.21 through 3041.26, relative to the tuition payment program for medical school students; to provide relative to program eligibility criteria, purposes, definitions, number of recipients, and contractual obligations; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1657—BY REPRESENTATIVE DARTEZ
AN ACT

To amend and reenact R.S. 18:463(A)(2) and to enact R.S. 18:491(C) and 492(A)(5), relative to qualifying for elective public office; to require certain certifications on the notice of candidacy; to provide that falsely certifying certain information on the notice of candidacy constitutes grounds for objection to candidacy; to provide that the Supervisory Committee on Campaign Finance Disclosure has standing to object to the candidacy of certain persons on certain grounds; to provide for definitions; to provide for penalties; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House**ASKING CONCURRENCE IN
HOUSE CONCURRENT RESOLUTIONS**

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 260—BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To commend Matthew Parish for his dedicated service to the community and to congratulate him on his selection as Emergency Medical Technician of the Year by the Louisiana Veterans of Foreign Wars.

HOUSE CONCURRENT RESOLUTION NO. 261—BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To commend Chief Robert D. Crowe of St. Tammany Fire Protection District No. 11 for his dedicated service to the community and to congratulate him on his selection as Firefighter of the Year by the Louisiana Veterans of Foreign Wars.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 260—BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To commend Matthew Parish for his dedicated service to the community and to congratulate him on his selection as Emergency Medical Technician of the Year by the Louisiana Veterans of Foreign Wars.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Cain	Gautreaux, N	Schedler
Chaisson	Hollis	Smith
Dardenne	Irons	Theunissen
Duplessis	Kostelka	Ullo
Total—27		

NAYS

Total—0

ABSENT

Boasso	Hainkel	Jones
Boissiere	Heitmeier	Marionneaux
Cheek	Holden	Nevers
Cravins	Jackson	Romero
Total—12		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 261—BY REPRESENTATIVE CROWE
A CONCURRENT RESOLUTION

To commend Chief Robert D. Crowe of St. Tammany Fire Protection District No. 11 for his dedicated service to the community and to congratulate him on his selection as Firefighter of the Year by the Louisiana Veterans of Foreign Wars.

The resolution was read by title. Senator Schedler moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Malone
Adley	Dupre	McPherson
Amedee	Ellington	Michot
Bajoie	Fields	Mount
Barham	Fontenot	Schedler
Boasso	Gautreaux, B	Smith
Cain	Hollis	Theunissen
Chaisson	Irons	Ullo
Cheek	Kostelka	
Dardenne	Lentini	
Total—28		

NAYS

Total—0

ABSENT

Boissiere	Heitmeier	Marionneaux
Cravins	Holden	Nevers
Gautreaux, N	Jackson	Romero
Hainkel	Jones	
Total—11		

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

House Bills and Joint Resolutions on Second Reading

The following House Bills and Joint Resolutions were read by title and acted upon as follows:

HOUSE BILL NO. 1165—

BY REPRESENTATIVE MORRISH
AN ACT

To amend and reenact R.S. 38:1794(B)(2), relative to drainage districts; to provide relative to compensation of certain members; and to provide for related matters.

Floor Amendments Sent Up

Senator Theunissen sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Conforming Amendments proposed by Senator Nevers to Engrossed House Bill No. 1165 by Representative Morrish (Duplicate of Senate Bill No. 596)

AMENDMENT NO. 1

On page 1, line 2, after "relative to" delete the remainder of the line and delete line 3 in its entirety and insert in lieu thereof the following: "the compensation of members of the boards of commissioners of

certain consolidated gravity drainage districts; to provide for an increase in the maximum per diem of such members; and to provide for related matters."

AMENDMENT NO. 2

On page 1, line 10, change "(2)(a)" to "(2)"

AMENDMENT NO. 3

On page 1, line 11, between "hundred" and "dollars" insert "fifty"

AMENDMENT NO. 4

On page 2, delete lines 1 through 6 in their entirety and insert in lieu thereof the following:

"Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval."

On motion of Senator Theunissen, the amendments were adopted.

Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

House Bills and Joint Resolutions on Second Reading to be Referred

The following House Bills and Joint Resolutions were read by title and referred to committees as follows:

HOUSE BILL NO. 37—

BY REPRESENTATIVE BALDONE
AN ACT

To amend and reenact R.S. 40:981.3(E), relative to drug-free zone; to provide that sentences imposed pursuant to the drug free zone provisions shall be served without benefit of suspension of sentence; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 258—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:1951, relative to the special school district; to specify that children with exceptionalities enrolled in state-operated facilities and receiving special education services provided by the special school district shall be enrolled as residents of such facilities; to specify that eligible children enrolled in state-operated mental health facilities and receiving appropriate educational services by the special school district shall be enrolled as residents of such facilities; to authorize the special school district to enter into certain interagency agreements; to provide appropriate services to certain children who are not residents of state-operated facilities and to eligible individuals enrolled as residents in state-operated facilities; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 340—

BY REPRESENTATIVE MARTINY
AN ACT

To amend and reenact Code of Criminal Procedure Article 326(B), relative to bail; to provide for the cancellation of the bail bond in felony cases upon entry of a plea of guilty or nolo contendere; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 394—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 13:2500(C), relative to the jurisdiction of the Municipal Court of New Orleans; to increase the monetary penalty which may be imposed for the violation of a municipal ordinance; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 403—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 15:85.1(A)(2)(a) and (d), relative to posting of criminal bonds; to provide for the distribution of fees assessed in connection with criminal bonds posted in each parish; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 836—

BY REPRESENTATIVES GLOVER AND HOPKINS
AN ACT

To amend and reenact R.S. 11:3724(8), as enacted by Act No. 74 of the 1991 Regular Session of the Legislature of Louisiana, relative to the Police Pension and Relief Fund of the City of Shreveport; to provide relative to survivor benefits; to repeal R.S. 11:3724(8) as amended and reenacted by prior Acts of the Legislature of Louisiana; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 870—

BY REPRESENTATIVES TUCKER, DOERGE, GALLOT, HEBERT, HILL, KENNARD, MONTGOMERY, JOHN SMITH, ST. GERMAIN, TRAHAN, TRICHE, AND WALSWORTH AND SENATOR BOSSIERE
AN ACT

To amend and reenact R.S. 11:2257(F)(2) and (H), relative to the Firefighters' Retirement System; to provide definitions of terms; to remove the authorization for retired members to participate in the Deferred Retirement Option Plan; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 910—

BY REPRESENTATIVES LANCASTER, BURRELL, DARTEZ, GLOVER, PITRE, ST. GERMAIN, AND TRICHE
AN ACT

To amend and reenact R.S. 24:35.5(A)(introductory paragraph), (2), (4), (51), (54), (55), and (60) and (C) and to enact R.S. 24:35.5(B)(3), to provide for the composition of certain House of Representatives districts; to provide for the composition of House of Representatives Districts Nos. 2, 4, 51, 54, 55, and 60; to provide for the precincts used to compose the districts for the House of Representatives; to provide for effectiveness; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 938—

BY REPRESENTATIVE TUCKER
AN ACT

To enact R.S. 11:266.1(E), relative to the state retirement systems; to provide relative to investment requirements; to provide for reporting; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 984—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 11:1423(C), relative to the Louisiana Assessors' Retirement Fund; to provide relative to retirement options; to provide relative to option reductions; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Retirement.

HOUSE BILL NO. 1034—

BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 49:214.8, relative to state funds; to create the Barrier Island Stabilization and Preservation Fund as a special fund in the state treasury; to provide for the deposit, use, and investment of monies in the fund; to provide for an effective date; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Finance.

HOUSE BILL NO. 1162—

BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 9:2800.14, relative to a limitation of civil liability; to provide for a limitation of liability for damages to oyster leases from the transportation of materials to and from a certain location along an approved water route; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary A.

HOUSE BILL NO. 1260—

BY REPRESENTATIVE CAZAYOUX
AN ACT

To enact R.S. 32:200 and 300.2, relative to motor vehicles; to prohibit the operation of certain motor scooters on sidewalks; to provide for certain exceptions; to provide relative to electric personal assistive mobility devices; to provide relative to the operation of such devices; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Transportation, Highways, and Public Works.

HOUSE BILL NO. 1272—

BY REPRESENTATIVE M. POWELL
AN ACT

To amend and reenact R.S. 15:144(B), relative to judicial district indigent defender boards; to provide with respect to membership; to provide with respect to nominating a person to an indigent defender board; to provide with respect to the selection of board members; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 1417—

BY REPRESENTATIVE TOOMY
AN ACT

To amend and reenact R.S. 4:739(A)(3)(a), (E)(1), and (F), relative to electronic bingo card dabber devices; to authorize the office of charitable gaming to establish and collect a fee of not more than eight percent of the lease or rental price of electronic dabber devices; to allow electronic dabber devices to be used with paper other than disposable paper if approved by the office; to provide that electronic dabber devices may be used without purchasing disposable bingo paper; to provide for the adoption of rules to govern the specifications, use, and operation of electronic dabber devices; to provide for the establishment of a list of manufacturers, distributors, and suppliers of electronic dabber devices; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary B.

HOUSE BILL NO. 1437—

BY REPRESENTATIVE STRAIN
AN ACT

To enact R.S. 40:983.1, relative to controlled dangerous substances; to create the crime of the creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance on or within one thousand feet of school property; to provide for definitions; to provide for penalties; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Judiciary C.

HOUSE BILL NO. 1448—

BY REPRESENTATIVES ODINET AND HUTTER
AN ACT

To enact R.S. 17:85.5 and 85.6, relative to naming certain athletic facilities; to authorize the parish school board in certain parishes to name a baseball stadium and a gymnasium in honor of a

former coach and a former teacher, respectively; to provide limitations; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 1636—

BY REPRESENTATIVE GLOVER
AN ACT

To amend and reenact R.S. 18:102(A)(2), 102.1, 104(A)(6), and 172, relative to interdicted voters; to provide for ineligibility to vote of persons under full interdiction; to provide for voting rights for persons under limited interdiction under certain circumstances; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Senate and Governmental Affairs.

HOUSE BILL NO. 1647—

BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 25:380.35(A), relative to the Garyville Timberrill Museum; to provide with respect to the transfer of ownership of the building known as the St. John the Baptist theater to the museum; to provide for acceptance of the transfer by the board; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 1656—

BY REPRESENTATIVE WRIGHT
AN ACT

To enact R.S. 33:3834.1, relative to water supply; to provide that the governing authorities of waterworks systems are not required to hire an engineer for certain public works; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1659—

BY REPRESENTATIVE K. CARTER
AN ACT

To enact R.S. 17:10.6, relative to school and district accountability; to provide for the status of a city, parish, or other local public school system which is academically in crisis; to provide for notice of the status; to provide for the powers of the school board of such a system; to provide for the powers of the school superintendent of such a system; to provide for definitions and audit and accounting requirements; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Education.

HOUSE BILL NO. 1666—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 30:213(A), relative to geophysical surveys and information; to provide for ownership of the data gathered through such surveys; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Natural Resources.

HOUSE BILL NO. 1682—

BY REPRESENTATIVES HONEY AND DANIEL
AN ACT

To amend and reenact R.S. 12:202.1(C), relative to quasi-public nonprofit corporations; to provide that such corporation created to acquire and operate a public transportation system in East Baton Rouge Parish is a political subdivision; to provide that the assets of such corporation are public property; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Local and Municipal Affairs.

HOUSE BILL NO. 1718 (Substitute for House Bill No. 1606 by Representative G. Smith)—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 47:1852(B), 1852.1, and 1856(A)(1) and to enact R.S. 47:1856(G), relative to the assessment of public service properties for ad valorem taxation; to specify filing requirements for certain reports; to increase the penalty for failure to timely file reports; to specify procedures for protesting assessments; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and referred to the Committee on Revenue and Fiscal Affairs.

**House Concurrent Resolutions
on Second Reading**

The following House Concurrent Resolutions were read and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 254—

BY REPRESENTATIVE WRIGHT
A CONCURRENT RESOLUTION

To urge and request the Board of Regents to study the advantages and disadvantages of having a member of the House Committee on Education and a member of the Senate Committee on Education serve as members of the Board of Regents and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

HOUSE CONCURRENT RESOLUTION NO. 255—

BY REPRESENTATIVE WRIGHT
A CONCURRENT RESOLUTION

To urge and request the State Board of Elementary and Secondary Education to study the advantages and disadvantages of having a member of the House Committee on Education and a member of the Senate Committee on Education serve as members of the State Board of Elementary and Secondary Education and to submit a written report of its findings and recommendations to the House Committee on Education and the Senate Committee on Education prior to the beginning of the 2005 Regular Session.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Education.

Reports of Committees

The following reports of committees were received and read:

**REPORT OF COMMITTEE ON
NATURAL RESOURCES**

Senator Malone, Chairman on behalf of the Committee on Natural Resources, submitted the following report:

June 3, 2004

To the President and Members of the Senate:

I am directed by your Committee on Natural Resources to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 146—

BY REPRESENTATIVE TOWNSEND AND SENATOR SMITH
A CONCURRENT RESOLUTION

To urge and request the Department of Wildlife and Fisheries to take certain actions to reduce invasive aquatic weeds in Saline Lake.

Reported favorably

HOUSE CONCURRENT RESOLUTION NO. 176—

BY REPRESENTATIVE FRITH
A CONCURRENT RESOLUTION

To create a task force to explore the feasibility of, and model policies relative to, the development of a marine aquaculture industry in the Gulf of Mexico that utilizes offshore oil and gas platforms for culturing marine organisms.

Reported favorably

HOUSE BILL NO. 160—

BY REPRESENTATIVE FRITH
AN ACT

To amend and reenact R.S. 56:435.1(A), (C), and (G), to enact R.S. 56:435.1.1, and to repeal R.S. 56:435.1(H), relative to oyster harvesting; to authorize the use of certain dredges in Calcasieu Lake; and to provide for related matters.

Reported with amendments

HOUSE BILL NO. 429—

BY REPRESENTATIVE DOVE
AN ACT

To enact R.S. 49:214.7, relative to the coastal restoration and preservation program; to establish a program for barrier islands and shorelines stabilization and preservation; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 788—

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 49:214.30(C)(9), relative to issuance of coastal use permits; to authorize consideration of an applicant's compliance history prior to issuance of such permit; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 915—

BY REPRESENTATIVES BAYLOR AND K. CARTER

AN ACT

To amend and reenact R.S. 56:1687.1, relative to the office of state parks; to remove provisions relative to the posting of boundaries of certain lands under the jurisdiction of the office of state parks; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 921—

BY REPRESENTATIVES BAYLOR AND K. CARTER

AN ACT

To amend and reenact R.S. 56:1685(B)(1)(w), (C), and (D), to enact R.S. 56:1685(B)(1)(x) and (y), and to repeal R.S. 56:1685(E), relative to the office of state parks; to provide for the classification of holdings; to revise the lists of state historic sites, state parks, and state preservation areas; to remove recognition of certain special holdings; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 975—

BY REPRESENTATIVE GALLOT

AN ACT

To amend and reenact R.S. 38:2874, relative to the Claiborne Parish Watershed District; to authorize the Wildlife and Fisheries Commission to regulate the commercial and recreational use of nets and traps on Lake Claiborne; and to provide for related matters.

Reported favorably

HOUSE BILL NO. 1066—

BY REPRESENTATIVES BAYLOR AND K. CARTER

AN ACT

To amend and reenact R.S. 36:207(A)(4)(a) and R.S. 56:1681(A)(2) and (3), (B)(1), and (C), relative to state parks; to change the appointment process of the assistant secretary of the office of state parks; to change the membership of the State Parks and Recreation Commission; and to provide for related matters.

Reported with amendments

Respectfully submitted,
MAX T. MALONE
Chairman

D.A. "BUTCH" GAUTREAUX
Vice Chairman

REPORT OF COMMITTEE ON

LABOR AND INDUSTRIAL RELATIONS

Senator Holden, Chairman on behalf of the Committee on Labor and Industrial Relations, submitted the following report:

June 3, 2004

To the President and Members of the Senate:

I am directed by your Committee on Labor and Industrial Relations to submit the following report:

HOUSE BILL NO. 1193—

BY REPRESENTATIVE K. CARTER

AN ACT

To enact Chapter 15 of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:3001 through 3004, relative to wages; to create the Equal Pay Commission; to provide for its membership; to provide for meetings; to provide for findings and recommendations; to provide for the termination of the commission; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1438—

BY REPRESENTATIVE MURRAY

AN ACT

To repeal R.S. 23:1021(12) and 1225(D), relative to workers' compensation benefits; to repeal provisions that provide for a reduction or offset of workers' compensation benefits payable to professional athletes.

Reported favorably.

Respectfully submitted,
MELVIN "KIP" HOLDEN
Chairman

REPORT OF COMMITTEE ON

**TRANSPORTATION, HIGHWAYS,
AND PUBLIC WORKS**

Senator Ellington, Chairman on behalf of the Committee on Transportation, Highways, and Public Works, submitted the following report:

June 3, 2004

To the President and Members of the Senate:

I am directed by your Committee on Transportation, Highways, and Public Works to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 123—

BY REPRESENTATIVE CAZAYOUX

A CONCURRENT RESOLUTION

To urge and request the Department of Public Safety and Corrections, office of motor vehicles, to distribute pertinent forms and information to activated military personnel regarding their motor vehicles, including affidavits of nonuse and surrender of license plates.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 132—
BY REPRESENTATIVES HONEY AND QUEZAIRE
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to install a left turn lane on Louisiana Highway 19 at Cunard Avenue.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 145—
BY REPRESENTATIVE HUTTER
A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to maintain its timeline to complete the new Florida Avenue Bridge, which is part of the Transportation Infrastructure Model for Economic Development program, by 2010.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 160—
BY REPRESENTATIVE BURRELL
A CONCURRENT RESOLUTION

To memorialize the United States Congress to enact federal legislation prohibiting the use of traffic signal preemption devices by the motoring public.

Reported favorably.

HOUSE BILL NO. 26—
BY REPRESENTATIVES BOWLER AND QUEZAIRE
AN ACT

To amend and reenact R.S. 32:412(A)(1), (2), (5), and (6) and (B)(1), (2), and (7)(e)(i)(aa), (cc), (dd)(I), (ee), and (ii)(aa), (cc), (dd)(I), and (ee), relative to driver's license fees; to provide for continuation of fees and provisions for use of those fees beyond the date for termination of certain additional fee; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 290—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 47:463.44(A), relative to special prestige license plates; to provide relative to issuance of the Louisiana educators special prestige license plate; to provide relative to eligibility requirements for issuance of such plate; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 881—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:408(A)(8)(introductory paragraph) and (b), relative to issuance of drivers' licenses; to provide relative to knowledge and skills test specifications for issuance of certain classes of drivers' licenses; to exempt drivers of certain vehicles from test specifications; to provide relative to qualifications for such exemptions; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 903—
BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S. 32:1311(D)(introductory paragraph), (1)(introductory paragraph) and (a), and (2)(a), relative to vehicle inspections; to provide for exemptions from inspection requirements; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1532—
BY REPRESENTATIVE TUCKER
AN ACT

To direct the Department of Transportation and Development to limit certain access along a state highway; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1599—
BY REPRESENTATIVE BAUDOUIN
AN ACT

To amend and reenact R.S. 32:196, relative to traffic violations; to prohibit certain persons or means of conveyance attaching to vehicles upon a highway; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1620—
BY REPRESENTATIVE SCHNEIDER
AN ACT

To amend and reenact R.S. 46:2583(A)(1) and to enact R.S. 47:463.4.3, relative to mobility impaired persons; to prohibit the manufacture, sale, possession, or use of counterfeit mobility-impaired parking placards; to provide relative to penalties for violations; to dedicate a certain portion of fines; and to provide for related matters.

Reported favorably.

Respectfully submitted,
NOBLE E. ELLINGTON
Chairman

REPORT OF COMMITTEE ON

LOCAL AND MUNICIPAL AFFAIRS

Senator Fields, Chairman on behalf of the Committee on Local and Municipal Affairs, submitted the following report:

June 3, 2004

To the President and Members of the Senate:

I am directed by your Committee on Local and Municipal Affairs to submit the following report:

SENATE CONCURRENT RESOLUTION NO. 126—
BY SENATOR JONES

A CONCURRENT RESOLUTION

To create the Louisiana Initiative for Tomorrow Task Force, to be known as the LIFT Task Force, to encourage private sector investments in Louisiana, particularly in distressed urban and rural areas to generate additional revenues and job opportunities for these areas, and to contribute to the success of the Louisiana Initiative for Tomorrow.

Reported with amendments.

HOUSE CONCURRENT RESOLUTION NO. 99—
BY REPRESENTATIVE HUTTER

A CONCURRENT RESOLUTION

To urge and request the City Council of New Orleans to review the City Domicile Ordinance of the Code of the City of New Orleans and to consider amending it to permit any qualified resident of the state of Louisiana to be employed at the Louis Armstrong International Airport.

Reported favorably.

HOUSE BILL NO. 176—
BY REPRESENTATIVE KENNEY
AN ACT

To enact R.S. 33:2711.20, relative to municipal sales and use taxes; to authorize the governing authority of the village of Baskin to levy and collect an additional sales and use tax; to provide for voter approval; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 441—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 42:284(B), relative to local finance; to provide relative to the requirement that certain parish officials and entities submit expenditure reports to the parish governing authority and clerk of court; to exempt parish sheriffs from certain requirements; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 610—
BY REPRESENTATIVES DANIEL, KATZ, AND ST. GERMAIN
AN ACT

To amend and reenact R.S. 33:4169(A)(1) and (B)(1), relative to water and sewerage collection; to require certain provisions in agreements between water and sewerage service providers; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 661—
BY REPRESENTATIVE GEYMAN
AN ACT

To enact R.S. 33:130.72(D) and (E), relative to the Ward One Economic Development Board of Calcasieu Parish; to provide for filling of vacancies, removal, and appointment of board members; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 756—
BY REPRESENTATIVE KENNEY
AN ACT

To enact R.S. 25:215(B)(13), relative to the Caldwell Parish Library; to transfer the administration of and accounting functions for funds of the library from the Caldwell Parish Police Jury to the Caldwell Parish Library Board of Control; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 950—
BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 38:2862, 2866, 2868, 2869(3), (4), and (10)(introductory paragraph) and (d) and (g), and 2870 and to repeal R.S. 38:2869(10)(e), relative to the Claiborne Parish Watershed District; to provide relative to the purposes of the district; to provide relative to the board of commissioners of the district; to provide relative to qualifications, term limits, and removal of board members; to provide relative to the powers of the board; to provide relative to rules and regulations promulgated by the board and the enforcement thereof; to provide relative to civil service status of employees; to provide for violations and penalties; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 962—
BY REPRESENTATIVE E. GUILLORY
AN ACT

To amend and reenact R.S. 33:130.551(A) and (B) and 130.552(A)(1) and (2), relative to the North Lake Charles Economic Development District; to change the name of the district; to provide for the membership of the board; to provide for termination of existing board terms; to establish initial terms for new board members; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 974—
BY REPRESENTATIVES ARNOLD AND TUCKER
AN ACT

To enact R.S. 33:4570.21, to create the Algiers Park Commission; to provide relative to the purpose, membership, and powers of the commission; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1041—
BY REPRESENTATIVES TUCKER, ARNOLD, BAYLOR, FUTRELL, KATZ, LAMBERT, MARCHAND, AND RITCHIE
AN ACT

To enact R.S. 33:4734 and 4780.51, relative to municipal and parish zoning; to provide for advance notice of zoning actions to certain military installations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1082—

BY REPRESENTATIVE BURNS

AN ACT

To amend and reenact R.S. 33:102, 106, and 109 and to enact R.S. 33:101(5), 103.1, and 109.1, relative to parish and municipal planning commissions; to provide relative to training requirements of members of such commissions and members of advisory boards to such commissions; to provide relative to master plans adopted by such commissions; to provide relative to the relationship between such master plans and plans of the state and other political subdivisions; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 1325—

BY REPRESENTATIVE MURRAY

AN ACT

To amend and reenact R.S. 39:1303(A), 1307(A), and 1311(A)(introductory paragraph), relative to budgetary procedures for political subdivisions; to provide for the applicability of certain requirements for public participation in the budgetary process; to provide for the applicability of certain requirements related to budgetary authority and control; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1414—

BY REPRESENTATIVE CROWE

AN ACT

To amend and reenact R.S. 38:1674.16(D)(2), relative to drainage districts in St. Tammany Parish; to authorize an increase in the additional maintenance and operation tax levied by the St. Tammany Parish Drainage District No. 4; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1432—

BY REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 39:1217.1, relative to public contracts for local depositing authorities; to delete certain exemptions for local depositing authorities located in a parish or municipality with a population of less than one hundred thousand; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1454—

BY REPRESENTATIVE KENNEY

AN ACT

To enact R.S. 33:4712.10, relative to naming a welcoming center; to authorize the municipal governing authority in certain municipalities to name a welcoming center in honor of a legislator; to provide limitations; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CLEO FIELDS

Chairman

REPORT OF COMMITTEE ON

EDUCATION

Senator Ullo, Chairman on behalf of the Committee on Education, submitted the following report:

June 3, 2004

To the President and Members of the Senate:

I am directed by your Committee on Education to submit the following report:

HOUSE CONCURRENT RESOLUTION NO. 120—

BY REPRESENTATIVES QUEZAIRE, FANNIN, HONEY, KENNEY, M. POWELL, T. POWELL, RITCHIE, JANE SMITH, AND TRAHAN AND SENATOR AMEDEE

A CONCURRENT RESOLUTION

To create the Louisiana Incentives for New Ventures and Economic Stimulation (INVEST) Commission to study the issue of transforming sixteenth section lands into generators of education funding and economic development in the state of Louisiana.

Reported favorably.

HOUSE BILL NO. 487—

BY REPRESENTATIVES T. POWELL, SCALISE, AND SCHNEIDER

AN ACT

To enact R.S. 17:3048.1(X), to establish an additional means for certain students to qualify for a Tuition Opportunity Program for Students Opportunity, Performance, and Honors awards; to provide relative to award eligibility, applicability, limitations, effectiveness, and payment amounts; to provide for an effective date; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 666—

BY REPRESENTATIVE CRANE

AN ACT

To enact R.S. 17:3805(F), relative to the Education Excellence Fund; to provide that fund amounts and related investment earnings credited for a recipient entity shall revert to the fund whenever the entity no longer meets the conditions required for it to be eligible for fund allocations; to provide for an effective date; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1127—

BY REPRESENTATIVES BURRELL, BAYLOR, GLOVER, JEFFERSON, LAMBERT, MARCHAND, AND RITCHIE

AN ACT

To enact Chapter 5-M of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:380.101 through 380.106, and R.S. 36:744(X) and 801.17, to create the McNeill Street Pumping Station Museum in the Department of State; to provide relative to the governing authority of the museum including its composition, powers, duties, responsibilities, meetings, and officers; to provide for the adoption of rules and

regulations including fees; to provide for receipt and use of funds and property; to provide relative to the authority of the secretary of state with respect to the museum; to provide relative to personnel and budgets of the museum; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1713 (Substitute for House Bill No. 215 by Representative Gray)—

BY REPRESENTATIVES GRAY, ALEXANDER, CROWE, DOWNS, FANNIN, HONEY, KENNEY, T. POWELL, RITCHIE, JANE SMITH, AND TRAHAN

AN ACT

To repeal R.S. 17:52.2, 171, 172, 173, 335, 429, and 430, and Subparts J and K of Part III of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:349.1 through 349.5 and R.S. 17:350.2 through 350.14, respectively, relative to the operation and control of schools; to repeal certain unconstitutional provisions relative to the operation and control of schools and other obsolete provisions relative to the operation of schools and trade or vocational schools on a segregated basis; and to provide for related matters.

Reported favorably.

Respectfully submitted,
CHRIS ULLO
Chairman

REPORT OF COMMITTEE ON

SENATE AND GOVERNMENTAL AFFAIRS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 2, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

SENATE RESOLUTION NO. 80—
BY SENATOR JONES

A RESOLUTION

To urge and request the Committee on Senate and Governmental Affairs to meet and study the pay of Senate employees and recommend a uniform pay schedule.

Reported favorably.

SENATE CONCURRENT RESOLUTION NO. 124—
BY SENATOR DUPLESSIS

A CONCURRENT RESOLUTION

To establish the Louisiana Prosper Commission to conduct a comprehensive study of the public bid law, the procurement code, bid preferences and reciprocal preferences, and services contracts.

Reported favorably.

HOUSE CONCURRENT RESOLUTION NO. 96—

BY REPRESENTATIVES GARYSMITH, FAUCHEUX, ANDROMERO
A CONCURRENT RESOLUTION

To memorialize the United States Supreme Court and the United States Congress to take all necessary measures to preserve the phrase "one nation under God" in the Pledge of Allegiance.

Reported favorably.

HOUSE BILL NO. 104—

BY REPRESENTATIVES TOOMY AND FRITH
AN ACT

To amend and reenact R.S. 1:55(E)(1)(b), relative to state holidays for the offices of clerks of court; to provide that the offices of district, parish, and city clerks of court shall be closed on any day that the governor proclaims a state holiday; and to provide for related matters.

Reported with amendments.

HOUSE BILL NO. 430—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 18:1505.2(L)(2), relative to prohibitions against campaign contributions loans, and transfers of funds by certain persons substantially interested in the gaming industry in this state; to provide that such prohibitions do not apply to contributions, loans, or transfers of funds to certain accounts of political committees of recognized political parties organized under laws of another jurisdiction; to provide limitations; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1180—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 24:513(I)(1)(a) and (c)(ii), (iii), and (iv), relative to the powers and duties of the legislative auditor; to provide relative to discretion of auditor to determine frequency of audit and level of assurance required, depending on amount of revenue received by auditee; to provide relative to amounts of revenue received by auditee; to provide relative to frequency of audits and levels of assurances required for audits; and to provide for related matters.

Reported favorably.

HOUSE BILL NO. 1197—

BY REPRESENTATIVES BAYLOR AND K. CARTER
AN ACT

To amend and reenact R.S. 25:341(D), (E), (F), and (G), 342(A)(1) and (B)(2), and 343, and R.S. 36:207(A)(1) and (2), 208(C), and 909 and to enact R.S. 25:341(H), relative to the Louisiana State Museum; to change the appointment process of certain members of the museum's board of directors and the museum's professional director; to provide for the director's salary; to provide relative to board meetings; and to provide for related matters.

Reported with amendments.

Respectfully submitted,

CHARLES D. JONES
Chairman

**Senate Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following Senate Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

SENATE BILL NO. 409—
BY SENATOR BAJOE

AN ACT

To enact R.S. 22:215.26, relative to health insurance; to require that optional coverage of treatment for morbid obesity by certain health insurance policies, contracts, and plans be offered; and to provide for related matters.

Reported favorably by the Committee on Insurance. On motion of Senator Cain, the bill was read by title, ordered engrossed, and passed to a third reading.

SENATE BILL NO. 511—
BY SENATORS ELLINGTON, MICHOT AND SMITH AND
REPRESENTATIVE THOMPSON

AN ACT

To amend and reenact R.S. 36:802.3 and to enact R.S. 36:109(B)(3) and Part IV of Chapter 3 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:955 through 958, relative to the Department of Economic Development; to create the Louisiana Broadband Council and to provide for its transfer; to provide for legislative findings; to provide for definitions; to provide for the membership, terms, vacancies, and compensation of the Council; to provide for the duties of the Council and a strategic plan; to provide for assistance from other entities; to provide for the establishment of subcommittees; to provide for staff, consultants, and the utilization of monies; and to provide for related matters.

Reported by substitute by the Committee on Commerce, Consumer Protection and International Affairs. The bill was read by title; the committee substitute bill was read.

**SENATE BILL NO. (Substitute for Senate Bill No. 511 by
Senator Ellington)**

AN ACT

To enact Chapter 8-K of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.40 through 844.54, relative to telecommunications; to create the "Local Government Fair Competition Act"; to provide for legislative findings; to provide for definitions; to provide limitations for providing certain cable television, telecommunications, and advanced services; to establish procedures for offering certain cable television, telecommunications, and advanced services; to provide for public hearings; to provide certain quality of service standards; to provide for enforcement and appeal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 8-K of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.40 through 844.54, is hereby enacted to read as follows:

CHAPTER 8-K LOCAL GOVERNMENT FAIR

COMPETITION ACT

CHAPTER 8-K of Title 45 is all proposed new law.

§844.40. Short title

R.S. 45:844.40 is all proposed new law.

This Act shall be known and may be cited as "The Local Government Fair Competition Act."

§844.41. Legislative findings and declarations of intent

R.S. 45:844.41 is all proposed new law.

The legislature finds and declares that it is the policy of this state:

(1) To ensure that cable television services and telecommunications and advanced services are provided through fair competition consistent with the federal Telecommunications Act of 1996, Pub. L. 104-104, in order to provide the widest possible diversity of information and news sources to the general public.

(2) To advance the exercise of rights under the First Amendment of the Constitution of the United States.

(3) To enhance the development and widespread use of technological advances in providing cable television services and telecommunications and advanced services.

(4) To encourage improved customer service of cable television services and telecommunications and advanced services at competitive rates.

(5) To ensure that cable television services and telecommunications and advanced services are each provided within a consistent, comprehensive, and nondiscriminatory federal, state, and local government framework.

(6) To ensure that when a local government provides to its inhabitants cable television services, telecommunications services or advanced services, or any combination thereof, and competes with private providers whose activities are regulated by the local governmental entity, the local government does not discriminate against the competing providers of the same services.

(7) To ensure that when a local government provides to its inhabitants cable television services, telecommunications services or advanced services, or any combination thereof, it will not be precluded from engaging in "bundling" those services or engaging in any other lawful business practice that its private-sector competitors are legally permitted to engage in.

§844.42. Definitions

R.S. 45:844.42 is all proposed new law.

As used in this Chapter, the following terms and phrases shall have the meanings hereinafter ascribed to them:

(1) "Advanced service" means high-speed Internet access capability in excess of 144 kilobits per second both upstream and downstream.

(2) "Cable television service" means:

(a) The one-way transmission to subscribers of video programming or other programming service.

(b) Subscriber interaction, if any, that is required for the selection or use of the video programming or other programming service.

(3) "Capital costs" means all costs of providing a service that are capitalized in accordance with generally accepted accounting principles.

(4) "Commercially sensitive marketing information" means marketing plans or strategies, customer lists, and trade secrets pursuant to R.S. 51:1431.

(5) "Cost allocation plan" means a formally adopted procedure for allocating direct and indirect costs, which is developed in

accordance with rules and regulations promulgated by the Louisiana Public Service Commission.

(6) "Covered services" means telecommunications services, advanced services and cable television services, individually and collectively, and regardless of the technology used to provide those services, unless otherwise specified in this act.

(7) "Cross subsidize" means to pay a cost included in the direct costs or indirect costs of providing a covered service that is not accounted for in the full cost of accounting of providing the service, other than the payment of Start-up costs.

(8) "Direct costs" means those expenses of a local government that:

(a) Are directly attributable to providing a covered service.

(b) Would be eliminated if the service described in Subsection (8)(a) were not provided by the local government.

(9) "Enterprise fund" means a separate fund to account for the local government's operations of covered services, established and maintained in accordance with generally accepted accounting principles as described by the Governmental Accounting Standards Board (GASB).

(10) "Examination" means an attestation performed for the purpose of expressing an opinion on an assertion that is the responsibility of another party in accordance with "Statements on Standards for Attestation Engagements" published by the American Institute of Certified Public Accountants.

(11) "Feasibility consultant" means an individual or entity with expertise in the processes and economics of providing covered services.

(12) "Full costs" means all capital costs, direct costs and indirect costs.

(13)(a) "Full-cost accounting" means the accounting of all costs incurred by a local government in providing a covered service.

(b) The costs included in a full-cost accounting include all capital costs, direct costs and indirect costs.

(14)(a) "Indirect costs" means any costs:

(i) Identified with two or more services or other functions.

(ii) That are not directly identified with a single service or function.

(b) "Indirect costs" may include cost factors for administration, accounting, personnel, purchasing, legal support, and other staff or departmental support.

(15) "Local governing authority" means the legislative body of a local government.

(16) "Local government" means any parish, municipality, or other political subdivision of the state and any utility authority, board, branch, department or other unit thereof.

(17) "Private provider" means a person that:

(a) Provides a covered service.

(b) Is a private entity.

(18) "Start-up costs" means those costs reasonably and prudently incurred by the local government (including legal and professional services) in obtaining the feasibility study required under this Part, in seeking to obtain assent of the financial market place for funding the proposed project, and other related costs through the closing of the sale of the bonds or other financing vehicles supporting the provisioning of covered services, and specifically excludes capital costs as defined herein.

(19) "Telecommunications service" means the two-way transmission of signs, signals, writing, images, sounds, messages, data, or other information of any nature by wire, radio, light waves, or other electromagnetic means offered to the public generally.

(20) "Subscribers" means a person that lawfully receives a covered service.

§844.43. Antitrust immunity

R.S. 45:844.43 is all proposed new law.

A. Subject to the provisions of Subsection B, when a local government is offering or providing a covered service, any immunity from antitrust law afforded to political subdivisions of the state does not apply to the local government's actions associated with the provision of those services.

B. A local government that provides a covered service is subject to applicable antitrust liabilities, if any, only to the extent permitted under the federal Local Government Antitrust Act of 1984, 15 U.S.C. Secs. 34 to 36.

§844.44. Scope of Chapter

R.S. 45:844.44 is all proposed new law.

A. Nothing in this Chapter shall authorize any local government to:

(1) Provide a covered service.

(2) Purchase, lease, construct, maintain, or operate a facility for the purpose of providing a covered service.

B. Nothing in this Chapter shall apply to a local government purchasing, leasing, constructing or equipping facilities:

(1) That are designed to provide services within the city or parish or both.

(2) That the local government:

(a) Uses for internal local governmental purposes.

(b) By written contract, leases, sells capacity in, or grants other similar rights to a private provider to use the facilities in connection with a private provider offering a covered service.

§844.45. Severability

R.S. 45:844.45 is all proposed new law.

If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or the application of this Chapter that can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are severable.

§844.46. Limitations on providing a cable television and telecommunications and advanced services

R.S. 45:844.46 is all proposed new law.

A. Except as provided in this Chapter, a local government may not:

(1) Provide to one or more subscribers a covered service.

(2) For the purpose of providing a covered service to one or more subscribers, purchase, lease, construct, maintain, or operate any facility.

B. For purposes of this Chapter, a local government provides a covered service if the local government provides the service:

(1) Directly or indirectly, including through an authority or instrumentality acting on behalf of the local government; or for the benefit of the local government.

(2) By itself.

(3) Through a partnership or joint venture.

(4) By contract, resale, or otherwise.

§844.47. Requirements prior to local governmental entity providing cable television or telecommunications or advanced services

R.S. 45:844.47 is all proposed new law.

Prior to a local government engaging or offering to engage in an activity described in this Chapter, the local governing authority shall:

(1) Hold a preliminary public hearing.

(2) If the local governing authority elects to proceed after holding the preliminary public hearing required by this Section, approve the

hiring of a feasibility consultant to conduct a feasibility study in accordance with R.S. 45:844.48.

(3) Determine when under the feasibility study conducted under R.S. 45:844.48, the annual revenues under R.S. 45:844.48(2)(f) exceed the annual costs under R.S. 45:844.48(2)(e) by at least the amount necessary to meet the bond obligations of any bonds issued to fund the proposed covered service.

(4) If the conditions of Paragraph (3) of this Section are met, hold the public hearings required by R.S. 45:844.48.

(5) After holding the public hearings required by R.S. 45:844.48, if the local governing authority elects to proceed, adopt by resolution the feasibility study.

§844.48. Feasibility study; public hearings

R.S. 45:844.48 is all proposed new law.

(1) If a feasibility consultant is hired under R.S. 45:844.48, the local governing authority shall require the feasibility consultant to:

(a) Complete the feasibility study in accordance with this Section.

(b) Submit to the local governing authority by no later than one hundred-eighty days from the date the feasibility consultant is hired to conduct the feasibility study:

(i) The full written results of the feasibility study.

(ii) A summary of the results that is no longer than one page in length.

(c) Attend the public hearings described in Paragraph (4) of this Section to:

(i) Present the feasibility study results.

(ii) Respond to questions from the public.

(2) The feasibility study described in Paragraph (1) of this Section shall at a minimum consider:

(a) If the local government is proposing to provide covered services to subscribers, whether the local government providing covered services in the manner proposed by the local government will hinder or advance competition for covered services in the city or parish.

(b) The fiscal impact on the local government of:

(i) The capital investment in facilities that will be used to provide the proposed covered services.

(ii) The expenditure of funds for labor, financing, and administering the proposed covered services.

(c) The projected growth in demand in the city or parish or both for the proposed covered services.

(d) The projections at the time of the feasibility study and for each year until the bonds necessary to finance the facilities used to provide covered services are retired, of the revenues and full costs for a local government to purchase, lease, construct, maintain, or operate the facilities necessary to provide the proposed covered services.

(3) For purposes of the financial projections required under Subparagraph (2)(d), the feasibility consultant shall assume that the local government will price the proposed covered services consistent with R.S. 45:844.52(4).

(4) If the results of the feasibility study satisfy the revenue requirement of R.S. 45:844.47(3), the local governing authority, at the next regular meeting after the local governing authority receives the results of the feasibility study, shall schedule at least two public hearings to be held:

(a) Within sixty days of the meeting at which the public hearings are scheduled.

(b) At least seven days apart.

(c) For the purpose of allowing the feasibility consultant to present the results of the feasibility study; and the public to become

informed about the feasibility study results; and ask questions of the feasibility consultant about the results of the feasibility study.

(5)(a) Except as provided in Subparagraph (5)(c), the local government shall publish notice of the public hearings required under Paragraph (4) at least once a week for three consecutive weeks in a newspaper of general circulation in the city or parish or both.

(b) The last publication of notice required under Subparagraph (5)(a) shall be at least three days before the first public hearing required under Paragraph (4).

(c)(i) If there is no newspaper of general circulation in the city or parish, for each one thousand residents, the local government shall post at least one notice of the hearings in a conspicuous place within the city or parish or both that is likely to give notice of the hearings to the greatest number of residents of the city or parish.

(ii) The local government shall post the notices at least seven days before the first public hearing required under Paragraph (4) is held.

(6) A local government that has existing notice and hearing procedures under a home rule charter for considering and approving capital projects for local government to construct and operate facilities for the provision of covered services shall be permitted to use those notice and hearing procedures in lieu of the notice and hearing procedures set forth in R.S. 45:844.48, provided that the notice and hearing procedures contain requirements that are substantially similar to those set forth herein.

(7) Nothing in this Section shall be construed to require inclusion in the feasibility study required herein, or disclosure of, commercially sensitive marketing information.

§844.49. Referendum

R.S. 45:844.49 is all proposed new law.

A. A local governing authority by a majority vote may call an election on whether or not the local government shall provide the proposed covered services.

B. If the local governing authority calls an election, the election shall be held:

(1)(a) At the next local government general election; or

(b) As provided in Title 18 of the Louisiana Revised Statutes of 1950 at a local special election, the purpose of which is authorized by this Section.

(2) In accordance with Title 18 of the Louisiana Revised Statutes of 1950 except as provided in this Section.

C. The notice of the election shall include with any other information required by law:

(1) A summary of the covered services that the local governing authority proposes to provide to subscribers residing within the boundaries of the local government.

(2) The feasibility study summary under R.S. 45:844.48.

(3) A statement that a full copy of the feasibility study is available for inspection and copying.

(4) The location in the city or parish or both where the feasibility study may be inspected or copied.

D. The ballot at the election shall pose the question substantially as follows:

'Shall the [name of the local government] be authorized to provide [cable television service or telecommunications or advanced service].'

E. The ballot proposition may not take effect until submitted to the electors and approved by the majority of those voting on the ballot.

F. A local governing authority that has existing procedures on whether, when, and how to conduct referenda shall utilize those

procedures in lieu of the procedures set forth in R.S. 45:844.49, provided that the procedures for conducting referenda contain notice and hearing requirements that are substantially similar to those set forth herein.

G. In the event the local governing authority does not have existing procedures on whether, when, and how to conduct referenda, it shall utilize the following procedures:

(1) Upon the valid petition of not less than fifteen percent of or ten thousand, whichever is lesser, of the qualified electors of a local government, submitted to the registrar of voters for verification within one hundred eighty days of submission of the feasibility study to the local governing authority, the local governing authority shall order a referendum election to be held to determine whether or not the local government may offer or provide covered services.

(2)(a) Any qualified elector desiring a referendum election shall sign a petition addressed to the local governing authority of the local government in which he resides, and in substantially the following form:

'PETITION

TO: [Name of local government]

The undersigned qualified electors respectfully request that you call an election to submit, in the manner provided by law, to the qualified electors of [name of local government] the following proposition:

Shall the [name of the local government] be authorized to offer or provide cable television, telecommunications, or advanced services?

Signature: _____

Address: _____

Date: _____

(b) Where signatures are made on more than one sheet, each sheet of the petition shall reproduce above the signatures in the same manner as is on the first sheet. Each petitioner shall sign his name in his own handwriting and shall write his address and the date on which he signed, otherwise his signature shall be null and void. If an elector cannot sign his name because of age or physical condition, he may have his name and address and the date written by another and shall affix his ordinary "X" mark in the presence of two competent electors, who shall sign their names as witnesses to the mark.

(3) The petition shall be filed with the registrar of voters within ninety days after the date on which the first signature was affixed. The petition, when so filed, becomes a public record and cannot be returned to the proponents or signers thereof.

(4) The registrar of voters shall check the petition and attach thereto his sworn verification showing:

(a) The date the petition was filed.

(b) The date of the first signature of the petition.

(c) The number of qualified electors of the parish or municipality on the registration rolls as of the date of the first signature on the petition, which date shall be used by the registrar in ascertaining if the petition contains the required number of signatures.

(d) That he has checked each signature for its genuineness by comparing the signature on the petition with the signature of the same person on the registration rolls.

(e) The total number of genuine signatures of qualified electors on the petition.

(f) The number of signatures not genuine, or not signed and written in the manner required by R.S. 45:844.49(G)(2).

(5) Within thirty days, excluding Saturdays, Sundays, and holidays, from the date the petition was filed with the registrar of voters, the registrar shall file a true copy of the sworn verification

required in Paragraph (4) of this Subsection with the local governing authority charged with the duty of calling the election.

(6) Any person whose signature appears on a local option petition and who alleges that such signature is not genuine is hereby authorized to execute and file with the registrar of voters, a sworn affidavit, attesting that the affiant did not sign the petition. The registrar of voters, when checking the signatures for genuineness, shall take the affidavit into consideration, but in no instance shall he certify the signature not to be genuine, unless the comparison of the signatures indicates that the signature is indeed not genuine. Affidavits executed pursuant to this Subsection shall be subject to the perjury provisions of Title 14 of the Louisiana Revised Statutes.

(7)(a) The clerk of the local governing authority with whom the petition is filed by the registrar of voters shall attach to the petition its sworn verification showing the date, month, and year the petition was filed with it.

(b) If the petition conforms to all the provisions of R.S. 45:844.49(G), the local governing authority shall order the election. The ordinance or resolution of the local governing authority ordering the election shall be adopted at a regular meeting held not less than thirty nor more than forty-five days after the date the petition was filed with the local governing authority by the registrar of voters.

(c) The local governing authority shall remove the name of any signer of the petition if requested to do so in writing within thirty days after the date the petition was filed with it. If the number of written requests for withdrawal from the petition reduces the number of qualified petitioners to less than the number required by R.S. 45:844.49(G)(1) the election shall not be ordered and the petition shall be null and void and cannot be used again.

(d) The date fixed for the election shall be not less than forty-five nor more than sixty days after the date of the adoption of the ordinance or resolution ordering the election.

(8)(a) When such election has been ordered the following propositions requested to be submitted on the approved and verified petition required by this Chapter, and no others shall be plainly printed upon a special ballot to be used for the election, otherwise the election shall be null and void:

Shall the [name of local government] be authorized to provide [cable television service or telecommunications or advanced service].

(b) In an election a majority vote cast on the proposition shall determine that issue for the local government that has called the election.

(9) The election called shall be governed by the Louisiana Election Code, R.S. 18:401, et seq.

(10) If the petition fails to substantially comply with the requirements provided for by law or if the other requirements specified by the law for the calling or conduct of the election are not substantially complied with, the election is illegal and ineffective and may be declared null and void by any court of competent jurisdiction at the suit of any elector who was qualified to vote in the election. This suit shall be brought within thirty days of the promulgation of the results of the election.

(11) The local governing authority calling the election shall promulgate the result by resolution or ordinance adopted at its first regular meeting after the election and shall publish it in the official journal of the parish.

§844.50. Enterprise funds for cable television or telecommunications or advanced services

R.S. 45:844.50 is all proposed new law.

A. A local government that provides one or more covered services under this Chapter:

(1) Shall establish a single enterprise fund entitled the "communications services enterprise fund" to account for the local government's operations of a covered services.

(2) Shall adopt operating and capital budgets for the local government's covered services.

(3) Except as provided in R.S. 45:844.51(C)(2), or subject to rules established under to R.S. 45:844.54(D), may not transfer any appropriation or other balance in any other enterprise fund established by the local government to any enterprise fund established by the local government under this Section.

B. The restrictions on transfers described in Paragraph (A)(3) do not apply to transfers made by a local government between other enterprise funds established by the local government.

§844.51. Bonding authority

R.S. 45:844.51 is all proposed new law.

A. The local governing authority may by resolution determine to issue one or more bonds to finance the capital costs for facilities necessary to provide to Subscribers a one or more covered services.

B. The resolution shall:

(1) Describe the purpose for which the indebtedness is to be created.

(2) Specify the dollar amount of the one or more bonds proposed to be issued.

C.(1) A bond issued under this Section shall be secured and paid for solely from the revenues generated by the local government from providing the covered services.

(2) A local government may not pay the origination, financing, or other carrying costs associated with the one or more bonds issued under this Section from the general funds or other enterprise funds of the local government. Nothing in this Section shall preclude a local government from using the general funds or other enterprise funds to advance funds for the feasibility study prescribed under R.S. 45:844.48 or for start-up costs for the proposed venture, provided that any such funds advanced are repaid by the enterprise fund established under this R.S. 45:844.50 at interest rates and on terms and conditions available to private enterprises in the open market.

(3) Nothing in this Act shall preclude a local government that owns and operates electric, water, gas, sewer and other utilities from pledging the resources of such utilities to obtain the best available interest rates, terms and conditions for the bonds necessary to finance the facilities used to provide the proposed covered services.

(4) Nothing under this Section provides a local governing authority bonding authority in addition to that provided under existing state law.

§844.52. General operating limitations

R.S. 45:844.52 is all proposed new law.

(1) A local government that provides a covered service under this Chapter is subject to all applicable provisions of local, state and federal law, including applicable rules of the Louisiana Public Service Commission.

(2) A local government may not cross-subsidize its covered services with tax dollars, income from other local government or utility services, below-market rate loans from the local government or any other means.

(3)(a) A local government may not make or grant any undue or unreasonable preference or advantage to itself or to any private provider of covered services.

(b) A local government shall apply without discrimination as to itself and to any private provider the local government's ordinances, rules, and policies, including those relating to obligation to serve,

access to public rights of way, permitting, performance bonding, reporting, and quality of service.

(4) In calculating the rates charged by a local government for a covered service, the local government:

(a) Shall include within its rates an amount equal to all taxes, fees, and other assessments that would be applicable to a similarly situated private provider of the same services, including:

(i) Federal, state, and local taxes; provided that, for income taxes, the imputed rate shall be the lowest rate that any private provider of covered service actually pays for the year prior to the year at issue, as the Louisiana Public Service Commission determines from data available to it, or zero percent, whichever is higher.

(ii) Franchise fees.

(iii) Permit fees.

(iv) Pole attachment fees.

(v) Fees similar to those described in Subparagraphs (5)(a)(i) through (iv).

(b) Shall receive a credit for all payments in lieu of taxes that it pays to the local government on revenues from the provision of the covered services.

(c) May bundle one or more covered services and offer promotional discounts or engage in other business practices on the same terms and conditions as federal and state law, including applicable rules of the Louisiana Public Service Commission, permit similarly situated private providers to bundle covered services; provided, however, that the local government shall establish its prices for covered services at levels that will, in the aggregate, over the useful life of the facilities used to provide such services, recover the sum of:

(i) The actual direct costs of providing the service.

(ii) The actual indirect costs of providing the service.

(iii) The amount determined under Subparagraph (4)(a); provided further that the local government's useful life of the facilities shall be substantially similar to the average life of the facilities used by private providers to provide covered services. Nothing in Subsection (4)(c) shall authorize local governments to engage in cross-subsidizations prohibited by this Chapter or other pricing in violation of federal or state law, including rules of the Louisiana Public Service Commission.

(5) A local government that provides covered services shall keep separate and accurate books and records of the local government's covered services, and they shall be made available for audits of such books and records as set forth in R.S. 45:844.54(D).

§844.53. Eminent domain

R.S. 45:844.53 is all proposed new law.

A. Subject to the applicable provisions of the Louisiana Constitution, a local government may not exercise its power of eminent domain to condemn plant, equipment, or real property of a private provider solely for the purpose of providing to a subscriber a covered service.

B. Nothing contained in Subsection A above shall be construed or applied in any manner to preclude a local government from exercising its power of eminent domain for any other lawful purpose other than for the purpose proscribed in R.S. 45:844.53(A).

§844.54. Enforcement and appeal

R.S. 45:844.54 is all proposed new law.

A. Before a person that is or is likely to have a substantial interest affected by a local government's violation of this Chapter may file an action in district court for violation of this Chapter, that person shall file a written complaint with the local government in accordance with this Section.

B.(1) A local government that provides a covered service shall enact an ordinance establishing a procedure for the filing and resolution of complaints relating to the local government providing a covered service.

(2) The procedure shall:

(a) Permit any person described in this Section to file a complaint including:

(i) An individual subscriber.

(ii) A private provider that competes with the local government in the geographic boundaries of the local government.

(b) Establish an expedited process that requires within forty-five days after the date the complaint is filed:

(i) That a hearing be held, unless the parties to the proceeding waive the requirement of a hearing.

(ii) The issuance of a final decision.

(c) Provide that failure to render a decision within the time allotted shall be treated as an adverse decision for purposes of appeal.

C. Appeal of an adverse decision from the local government may be taken to the district court for a de novo proceeding.

D. The Louisiana Public Service Commission shall, in accordance with its normal rulemaking procedures, adopt rules to define and govern equitable cost allocation, as well as safeguards to govern affiliate or inter-company transactions for purposes of application of R.S. 45:844.52(2). Rules adopted by the Louisiana Public Service Commission under authority of this Subsection D are hereinafter referred to as "cost allocation and affiliate transaction rules." Cost allocation and affiliate transaction rules shall not be adopted or enforced which are inconsistent with any provision of this Chapter, including, but not limited to R.S. 45:844.42(4) and R.S. 45:844.51(C)(3). Cost allocation and affiliate transaction rules shall provide for the protection of commercially sensitive marketing information disclosed by local government for purposes of this Subsection D, and such protection may include, but need not be limited to, the submission of commercially sensitive marketing information under seal with limitations upon access to such information. Commercially sensitive marketing information disclosed by local government for purposes of this Subsection D shall not be a public record. Compliance with cost allocation and affiliate transaction rules shall constitute per se compliance with R.S. 45:844.52(2).

(1) For covered services within the jurisdiction of the Louisiana Public Service Commission, enforcement of cost allocation and affiliate transaction rules shall be by the Louisiana Public Service Commission.

(2) For covered services which are not within the jurisdiction of the Louisiana Public Service Commission, enforcement of cost allocation and affiliate transaction rules shall be in accordance with the following procedure:

(a) A local government which provides covered services shall annually engage a certified public accountant selected from a list of auditors or accountants approved by the legislative auditor for an annual examination of compliance with the cost allocation and affiliate transaction rules as they pertain to covered services which are not within the jurisdiction of the Louisiana Public Service Commission. The certified public accountant engaged under authority of this Subsection D(2)(a) is hereinafter referred to as the "auditor".

(b) The auditor shall render a preliminary report of examination findings ("preliminary report") within ninety days of engagement which shall be released to the local government at an open meeting of the local governing authority and made available for public inspection thereafter in accordance with the provisions of the Louisiana Public

Records Law. The clerk of the local governing authority shall be the custodian of the auditor's preliminary report.

(c) For sixty days after release of the preliminary report, any interested person, group of persons, or other entity shall have the right to submit written comments upon the preliminary report ("public comments") to the clerk of the local governing authority, who shall become the custodian of such public comments.

(d) Upon the lapse of sixty days after release of the preliminary report, the clerk of the local governing authority shall submit the preliminary report and all public comments submitted within the sixty-day comment period to the auditor and to the legislative auditor.

(e) Not later than thirty days after receipt of the preliminary report and public comments, if any, from the clerk of the local governing authority, the legislative auditor, in consultation with the auditor, shall review the preliminary report and the public comments, if any, and make a final determination of compliance with the cost allocation and affiliate transaction rules as they pertain to covered services which are not within the jurisdiction of the Louisiana Public Service Commission. If the legislative auditor determines that the local government is in compliance with the cost allocation and affiliate transaction rules, such determination shall be in the form of a certificate of compliance signed by the legislative auditor and issued to the local government. If the legislative auditor determines that the local government is not in compliance with the cost allocation and affiliate transaction rules, such determination shall be in the form of a final report signed by the legislative auditor and issued to the local government, specifying the portions of the rules relied upon for the determination of noncompliance and the reasons for such determination.

(f) Any interested person may seek judicial review of a determination of compliance or noncompliance made by the legislative auditor under Subsection (2)(e) of this Subsection D. Such judicial review shall be sought within sixty days of the date of issuance of a certificate of compliance or a final report by the legislative auditor. The local government shall be made defendant, and venue of a suit for judicial review shall lie exclusively in the parish of domicile of the local government. In any suit for judicial review, the review shall be conducted by the court without a jury and shall be confined to the record of the prior proceedings before the auditor and the legislative auditor, including the preliminary report and supporting documentation, if any, the certificate of compliance and supporting documentation, if any, the final report and supporting documentation, if any, and the public comments, if any. The challenged certificate of compliance or final report of the legislative auditor shall be presumed valid and correct, and the standard of review shall be confined to the issue of whether the legislative auditor acted arbitrarily and capriciously in the issuance of the challenged certificate of compliance or final report. The burden of proof shall be upon the challenger of the certificate of compliance or final report, and a reviewing court may not substitute its judgment for that of the legislative auditor. If the court sustains or upholds the challenged certificate of compliance or final report, the court may in its discretion assess costs and reasonable attorney's fees of the prevailing party against the losing party.

(g) In conducting any part of the compliance audit authorized by this Subsection D(2), the auditor and/or the legislative auditor may seek, request, obtain, and/or utilize, and the Louisiana Public Service Commission may provide, such advisory or technical assistance as the auditor and/or the legislative auditor may deem necessary, convenient, or desirable. The absence of advisory or technical

assistance from the Louisiana Public Service Commission, or the failure or refusal of the auditor and/or the legislative auditor to seek, request, obtain, or utilize such advisory or technical assistance, shall not invalidate a certificate of compliance or final report and shall not constitute arbitrary or capricious conduct on the part of the auditor or the legislative auditor.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

On motion of Senator Hollis, the committee substitute bill was adopted and becomes Senate Bill No. 877 by Senator Ellington, substitute for Senate Bill No. 511 by Senator Ellington.

**SENATE BILL NO. 877— (Substitute for Senate Bill No. 511
by Senator Ellington)
BY SENATORS ELLINGTON AND MICHOT
AN ACT**

To enact Chapter 8-K of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:844.40 through 844.54, relative to telecommunications; to create the "Local Government Fair Competition Act"; to provide for legislative findings; to provide for definitions; to provide limitations for providing certain cable television, telecommunications, and advanced services; to establish procedures for offering certain cable television, telecommunications, and advanced services; to provide for public hearings; to provide certain quality of service standards; to provide for enforcement and appeal; and to provide for related matters.

The bill was read by title; lies over under the rules.

**SENATE BILL NO. 591—
BY SENATOR CHEEK
AN ACT**

To enact R.S. 22:11.1, relative to health insurance; to provide for a credentialing process for health insurance issuers who contract directly with health care providers for health care services; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Original Senate Bill No. 591 by Senator Cheek

AMENDMENT NO. 1

On page 1, between lines 10 and 11, insert the following:

"(1) "Applicant" means a health care provider seeking to be approved or credentialed by an issuer to provide health care services to the issuer's enrollees or insureds.

(2) "Commissioner" means the commissioner of insurance.

(3) "Enrollee or insured" means an individual who is enrolled or insured by a health insurance issuer for health insurance coverage."

AMENDMENT NO. 2

On page 1, delete line 11, and insert "(4) "Health insurance issuer" or "issuer" means any insurer who offers health insurance"

AMENDMENT NO. 3

On page 1, line 13 change "A "health insurance issuer" shall" to "A "health insurance issuer" or "issuer" shall"

AMENDMENT NO. 4

On page 1, line 16, before "means" delete "(2) "Health care provider"" and insert "(4) "Health care provider" or "provider""

AMENDMENT NO. 5

On page 2, line 3, before "means" delete "(3) "Health care services"" and insert "(6) "Health care services" or "services""

AMENDMENT NO. 6

On page 2, between lines 5 and 6, insert the following:

"(7) "Standardized information" means customary universal data concerning an applicant's identity, education and professional experience relative to an issuer's credentialing process, including but not limited to name, address, telephone number, date of birth, social security number, educational background, state licensing board number, residency program, internship, specialty, subspecialty, fellowship or certification by a regional or national health care or medical specialty college, association or society, prior and current place of employment, final disposition of a professional liability settlement or judgment.

(8) "Verification" or "verification supporting statement" means documentation confirming the information submitted by an applicant for a credentialing application from a specifically named entity or a regional, national, or general data depository, including but not limited to a college university, medical school, teaching hospital, health care facility or institution, state licensing board, federal agency or department, professional liability insurer, or the National Practitioner Data Bank."

AMENDMENT NO. 7

On page 2, delete lines 6 through 16 in their entirety and insert in lieu thereof the following:

"B.(1) Any health insurance issuer that requires a health care provider to be credentialed or approved by the issuer prior to rendering health care services to an enrollee or insured shall credential or approve the provider as an endorsed participant in the issuer's health plan or policy in accordance with rules and regulations promulgated by the commissioner pursuant to the provisions of this Section. These rules and regulations shall include but not be limited to the following:

(a) The applicant's standardized information shall include the data elements required by the issuer to comply with accreditation requirements and generally accepted industry practices and provisions to obtain reasonable applicant specific information relative to the particular or precise services proposed to be rendered by the applicant.

(b) Protocols for an issuer's compliance to verify the applicant's standardized information including the time for the completion of the verification process.

(c) The period of time for an issuer to make a determination as to whether or not the applicant complies with the issuer's criteria to render services after verification of all information submitted.

(d) Protocols that require timely notice by the issuer to the applicant of delays or the issuer's inability to obtain verification of all information submitted.

(2) In order to establish uniformity in the submission of an applicant's standardized information to each issuer for which he may seek to provide health care services, an issuer shall accept the applicant's standardized information in a format conforming to rules and regulations promulgated by the commissioner pursuant to the provisions of this Section. These rules and regulations shall include but not be limited to the following:

(a) Applicants shall utilize and issuers shall accept the Louisiana Standardized Credentialing Application Form, or its successor, until the submission of an applicant's standardized information in a hard copy, paper format is superseded by required submission by electronic transmission.

(b) The applicant's submitted information on the Louisiana Standardized Credentialing Form, or its successor, or in an electronic transmission format that supersedes the use of the Louisiana Standardized Credentialing Form in a hard copy, paper format shall include standardized information and data that is required to comply with accreditation requirements and generally accepted industry practices and provisions to obtain reasonable, applicant specific information relative to the particular or precise services proposed to be rendered.

(3) The commissioner, at his discretion, is hereby authorized and may, for good cause shown, by emergency rule or regulation promulgated pursuant to the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., exempt a health insurance issuer from the requirements of the provisions of Paragraph (2) of this Subsection for any period of time.

C. Nothing in this Section shall be construed to require health insurance issuer credentialing or approval in determining inclusion or participation in an issuer's health insurance plan or policy of health insurance coverage for reimbursement of the rendering of treatment to an enrollee or insured by a religious non-medical practitioner who furnishes only religious nonmedical treatment or religious nonmedical nursing care.

Section 2. Nothing in this Act shall be construed to prohibit the commissioner of insurance from adopting any rule or regulation relative to the Louisiana Standardized Credentialing Application Form pursuant to the provisions of this Act prior to the effective date of this Act. A rule or regulation adopted pursuant to this Section, if any, shall have an effective date of November 1, 2004.

Section 3. Section 1 of this Act shall be effective on November 1, 2004. This Section and Section 2 of this Act shall be effective on July 1, 2004."

On motion of Senator Cain, the committee amendment was adopted. The amended bill was read by title and ordered engrossed and passed to a third reading.

SENATE BILL NO. 705—
BY SENATOR JACKSON

AN ACT

To amend and reenact R.S. 33:9106(A), 9109(B)(6), and 9109(C)(1), (4) and (7)(b), and Section 5(A)(1), (5) and (6) of Act No. 788 of the 1979 Regular Session of the Louisiana Legislature, as amended by Act 441 of the 1981 Regular Session, Act No. 7 of the 1982 Regular Session, Act 1241 of the 1995 Regular Session, and Act No. 1029 of the 1999 Regular Session, and to enact R.S. 33:9108(D), 9109(B)(10), (11) and (12) and 9110, and Section 5(A)(7) and (8) of Act No. 788 of the 1979 Regular Session of

the Louisiana Legislature, as amended by Act 441 of the 1981 Regular Session, Act No. 7 of the 1982 Regular Session, Act 1241 of the 1995 Regular Session, and Act No. 1029 of the 1999 Regular Session, relative to communication districts; to provide for definitions; to provide for indemnification; to provide for assessment of prepaid wireless telephone service; to require multi-line phone systems to provide automatic number and location information; and to provide for related matters.

Reported by substitute by the Committee on Commerce, Consumer Protection and International Affairs. The bill was read by title; the committee substitute bill was read.

SENATE BILL NO. (Substitute for Senate Bill No. 705 by Senator Jackson)

BY SENATOR JACKSON

AN ACT

To enact R.S. 33:9110, relative to communication districts; to provide for definitions; to require multi-line phone systems to provide automatic location information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9110 is hereby enacted to read as follows:

§9110. Multi-line telephone systems

R.S. 33:9110 is all proposed new law.

A. As used in this Section, the following words and terms shall have the following meanings:

(1) "District" means a communication district created pursuant to R.S. 33:9101 or pursuant to or by any local or special Act except a district that is governed by the provisions of Part II of this Chapter unless otherwise provided by law.

(2) "Automatic location identification" or "ALI" means the automatic display at the Public Safety Answering Point (PSAP) of the caller's telephone number, the address or location of the telephone, and the supplementary emergency services information.

(3) "Automatic location identification retrieval" or "ALI retrieval" means the process of querying the 9-1-1 database for all ALI records.

(4) "Automatic Number Identification" or "ANI" means the telephone number associated with the access line from which a call originates.

(5) "Private Branch Exchange" or "PBX" means a private telephone system that is connected to the Public Switched Telephone Network (PSTN).

(6) "Private Switch ALI" or "PSA" means a service option that provides enhanced 9-1-1 features for telephone stations behind private branch exchanges.

B. Each private branch exchange (PBX) system installed after January 1, 2005, must be capable of providing automatic location identification (ALI) to the station level.

On motion of Senator Hollis, the committee substitute bill was adopted and becomes Senate Bill No. 878 by Senator Jackson, substitute for Senate Bill No. 705 by Senator Jackson.

SENATE BILL NO. 878— (Substitute for Senate Bill No. 705 by Senator Jackson)

BY SENATOR JACKSON

AN ACT

To enact R.S. 33:9110, relative to communication districts; to provide for definitions; to require multi-line phone systems to provide

automatic location information; and to provide for related matters.

The bill was read by title; lies over under the rules.

**House Bills and Joint Resolutions
on Second Reading
Reported by Committees**

The following House Bills and Joint Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE BILL NO. 120—

BY REPRESENTATIVE WALKER
AN ACT

To amend and reenact R.S. 51:411, relative to false advertising; to enhance the penalties for false advertising; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 276—

BY REPRESENTATIVE JACK SMITH
AN ACT

To repeal R.S. 6:1010, relative to the Louisiana Check-Cashing Law; to repeal the requirement of posting a surety bond.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 346—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:3041(I)(1), relative to third-party administrators; to provide for surety bonds; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 350—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 40:1429, relative to the insurance fraud investigation unit; to provide for the termination date; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 442—

BY REPRESENTATIVE GALLOT
AN ACT

To amend and reenact R.S. 37:2706(A)(2), 2707(A)(2), and 2708(A)(2), relative to social workers; to extend the time within which experienced social workers who graduated from nonaccredited schools can seek registration, certification, and licensure; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 446—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:2074.1 and to enact R.S. 22:1078(B)(21) and 2074(B)(4), relative to risk retention groups; to provide for fees; to provide for revocation or suspension; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 449—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:982(A)(13) and 983(E), relative to foreign and alien insurers; to provide for certificates of authority; to provide for transacting business; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 521—

BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 32:863.3, relative to property insurance; to provide with respect to issuance of an insurance policy covering a motorcycle; to provide for redesignation of provisions; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 569—

BY REPRESENTATIVE TRICHE
AN ACT

To amend and reenact R.S. 46:236.1.2(D) and to enact R.S. 46:236.1.2(K), relative to child support programs; to require private collection agencies to comply with certain federal laws; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 623—

BY REPRESENTATIVES JEFFERSON AND THOMPSON
AN ACT

To amend and reenact R.S. 9:3571.1(H) and (L)(introductory paragraph) and to enact R.S. 9:3571.1(M) through (Y), relative to protection from identity theft; to provide for security freezes; to provide for definitions; to provide for the procedures for access after imposition and removal of security freezes; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 623 by Representative Jefferson

AMENDMENT NO. 1

On page 1, line 15 after "person" insert a period "." and delete the remainder of the line and delete lines 16 and 17

AMENDMENT NO. 2

On page 2, line 18 after "report or" delete "any information from it" and insert "credit score"

AMENDMENT NO. 3

On page 2, line 22 delete "consumer" and insert "credit"

AMENDMENT NO. 4

On page 2, line 27 change "seven" to "ten"

AMENDMENT NO. 5

On page 3, line 6 change "credit credit" to "credit" and change "seven" to "ten"

AMENDMENT NO. 6

On page 3, line 17 change "third" to "seventh"

AMENDMENT NO. 7

On page 6, line 14 after "reasonable" delete "annual"

AMENDMENT NO. 8

On page 6, line 15 after "consumer for" insert "initially"

AMENDMENT NO. 9

On page 6, line 16 change "eight" to "ten"

AMENDMENT NO. 10

On page 6, line 16 between "dollars," and "On January" insert the following: "The charge to temporarily lift the security freeze may not exceed eight dollars per request. At no time shall the consumer be charged for revoking the freeze."

AMENDMENT NO. 11

On page 6, line 20 after "five cents," insert the following:

"An exception shall be allowed whereby the consumer will be charged zero dollars by the consumer reporting agency placing the security freeze if any of the following applies:

(1) If the consumer is a victim of identity theft and, upon the request of the consumer reporting agency, provides the credit reporting agency with a police report described in R.S. 9:3568.

(2) If the consumer is sixty-two years of age or older."

AMENDMENT NO. 12

On page 7, line 1 change "person" to "consumer"

AMENDMENT NO. 13

On page 7, line 5 change "January 30" to "July 1"

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 797—

BY REPRESENTATIVES TUCKER, K. CARTER, ERDEY, FUTRELL, JOHNS, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOUIN, BAYLOR, BROOME, BRUCE, BRUNEAU, BURNS, BURRELL, CROWE, CURTIS, DAMICO, DANIEL, DEWITT, DOERGE, DORSEY, DOVE, DURAND, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HILL, HONEY, HUTTER, JACKSON, JEFFERSON, KATZ, KENNEY, LABRUZZO, LANCASTER, MARCHAND, MARTINY, McDONALD, MURRAY, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, ROMERO, SALTER, SCALISE, SHEPHERD, GARY SMITH, JACKSMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, WALKER, WALSWORTH, AND WHITE

AN ACT

To enact R.S. 22:1425, relative to automobile liability insurance; to provide for active military personnel; to provide for premium discounts; to provide for rebates; to provide for rules and regulations; to provide for the authority of the commissioner of insurance; and to provide for related matters.

Reported favorably by the Committee on Insurance. The bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 843—

BY REPRESENTATIVE TUCKER

AN ACT

To enact Part X-A of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:421 and 422, relative to health insurance issuers; to provide for limitations on the obligations of such issuers; to provide for rules and regulations to be adopted by the Department of Insurance; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 889—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 40:6(B) and (D)(introductory paragraph), relative to the sanitary code; to provide for the assessment of civil fines, injunctions, or both, for violations of the sanitary code; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 889 by Representative Gray

AMENDMENT NO. 1

On page 2, line 25, after "Sanitary Code." insert "Injunctions may be sought for Class A and Class B violations only."

On motion of Senator McPherson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 956—

BY REPRESENTATIVES DURAND AND DORSEY
AN ACT

To enact Chapter 16 of Title VII of the Children's Code, to be comprised of Articles 792 through 792.3, to authorize the creation of an early intervention pilot program for at-risk children and their families in certain parishes; to provide for program purposes; to provide for collaboration among district attorneys, local school boards, law enforcement agencies, and community service organizations in the development and implementation of such program; to provide relative to program funding, reporting, and termination; to provide relative to the Sixteenth Judicial District Attorney Early Intervention Fund; to provide for monies to be deposited in such fund; to provide for effectiveness; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 956 by Representative Durand

AMENDMENT NO. 1

On page 1, line 2 after "enact" insert "R.S. 15:85.2 and"

AMENDMENT NO. 2

On page 1, line 3 after "792.3," insert "relative" and delete "authorize"

AMENDMENT NO. 3

On page 1, line 9 after "fund" insert "and how those monies are to be distributed"

AMENDMENT NO. 4

On page 1, between lines 14 and 15, insert the following:

"Section 1. R.S. 15:85.2 is hereby enacted to read as follows:

§85.2. Posting of criminal bonds in parishes of Iberia, St. Mary, and St. Martin; fee assessed

A. In the parishes of Iberia, St. Mary, and St. Martin, there shall be a fee in the amount of twelve dollars assessed in connection with the issuance of every criminal bond posted for misdemeanor and felony arrests within each parish. The fee shall be collected by the sheriff of that parish from every person seeking release by means of a criminal bond, or their designated representative. Twelve dollars shall be distributed to the Sixteenth Judicial District Attorney Early Intervention Program for each case in which the criminal prosecution

has been concluded. Such funds shall be distributed on a quarterly basis.

B.(1) Any person who claims to be incapable of paying the fee to secure his release from jail by signing a statement to that effect shall have the fee waived. The law enforcement agency who arrested the suspect may petition the court for payment of the fee after the release of the person.

(2) If the district attorney declines to prosecute a person, or the prosecution has been instituted and such proceedings have been finally disposed of by an acquittal, dismissal, or sustaining a motion to quash, the person shall request a refund of the fees within ninety days and the fees shall be refunded by the sheriff within twenty days after his request for such refund."

AMENDMENT NO. 5

On page 1, line 15, after "Section" change "1" to "2"

AMENDMENT NO. 6

On page 5, line 10, change "2" to "3"

On motion of Senator McPherson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 990—

BY REPRESENTATIVE BROOME
AN ACT

To amend and reenact R.S. 6:1009(A), relative to currency exchange services; to set maximum fees charged by check-cashers; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Engrossed House Bill No. 990 by Representative Broome

AMENDMENT NO. 1

On page 1, delete lines 7 through 13 and insert the following:

"A. If a check presented for cashing is issued by or drawn upon the account of a public welfare or public assistance agency of the United States, the state of Louisiana, or any political subdivision of the state, then no check-casher licensed or regulated under this Chapter may charge, or collect in any manner, a sum in excess of two percent of the total amount of the check presented for cashing. Notwithstanding any other provision of law to the contrary, no check-casher licensed or regulated under this Chapter shall directly or indirectly charge or collect fees or other consideration for rendering currency exchange services in excess of the following:

(1) Two percent of the total amount of the check presented for cashing or five dollars, whichever is greater, for checks issued by or drawn upon the account of a public welfare or public assistance agency of the United States, the state of Louisiana, or any political subdivision of the state.

(2) Ten percent of the total amount of the check presented for cashing or five dollars, whichever is greater, for all other checks or for money orders.

* * *

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1042—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 28:621, relative to at-risk juveniles; to provide for the creation of pilot programs for children with developmental disabilities; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 1042 by Representative Triche

AMENDMENT NO. 1

On page 2, delete lines 11 and 12 and insert the following:

"C. The office shall promulgate rules and regulations in accordance with the Administrative Procedure Act to provide definitions and to establish standards for"

AMENDMENT NO. 2

On page 2, line 15, delete "The office ~~may~~ shall" and insert "The office may"

On motion of Senator McPherson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1060—

BY REPRESENTATIVE WINSTON

AN ACT

To amend and reenact R.S. 22:228.6(B)(2)(b), relative to health insurance, to provide relative to premiums charged for individual health insurance policies or subscriber agreements; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1065—

BY REPRESENTATIVE WALSWORTH

AN ACT

To amend and reenact R.S. 29:381, 385(A) and (C), and 386 and R.S. 36:781(B), relative to the Department of Veterans' Affairs; to provide for certain facilities for war veterans operated by the department; to change the name of such facilities; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1092—

BY REPRESENTATIVE TRICHE

AN ACT

To amend and reenact R.S. 42:1303(6), relative to the Government Deferred Compensation Plan; to provide for certain powers and duties of the commission; to provide for benefits under the Deferred Compensation Plan; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1135—

BY REPRESENTATIVES LAFLEUR AND MURRAY

AN ACT

To amend and reenact R.S. 22:622.2, relative to automobile liability insurance; to provide for coverage; to provide for prohibitions on limitations; to provide for public policy; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1139—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1967(A), (B), (E), and (G), 1969, and 1971, relative to ad valorem taxation; to provide for the assessment of certain bank stock; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1154—

BY REPRESENTATIVE DURAND

AN ACT

To amend and reenact Children's Code Article 603(3) and to repeal R.S. 46:1441.6(A), relative to child care; to relocate the responsibilities of the investigations of abuse and neglect; to change definitions; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1181—

BY REPRESENTATIVES DANIEL AND BROOME

AN ACT

To amend and reenact R.S. 33:2881 and R.S. 47:2183(C)(1) and (E), relative to tax sales of immovable property and acquisition of adjudicated property from a political subdivision; to provide with respect to notice of sale by tax sale purchaser; to provide relative to the affidavit authorized to be filed by the purchaser or donee of property adjudicated to a political subdivision; and to provide for related matters.

Reported favorably by the Committee on Revenue and Fiscal Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the

Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1217—

BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 40:2006(A)(2)(n) and Part VII-A of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2192 through R.S. 40:2192.4, relative to pediatric day health care facilities; to provide for licensing; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1261—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 51:2386, 2387, 2388, 2389(E)(1)(c) and (F)(1), 2391, 2392, 2393, 2394, 2395(A), (B)(2)(a), (D), and (F)(3), 2396(D)(6), (F), and (G)(1)(d), and 2397(A)(1)(b) and (2), (D), (E), and (G)(2)(a), relative to the Louisiana Business and Industrial Corporation Act; to provide for participation of Louisiana limited liability companies; to provide for certain additional licensing requirements; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1261 by Representative Pinac

AMENDMENT NO. 1

On page 17, after line 3 insert the following:

"Section 2. Notwithstanding any other provision of law to the contrary, any monies raised pursuant to the provisions of this Act after June 30, 2004 shall be invested in Louisiana companies or businesses at a rate of not less than fifty percent."

On motion of Senator Hollis, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1264—

BY REPRESENTATIVE DANIEL
AN ACT

To amend and reenact R.S. 13:3715.1(J), relative to medical records; to provide for the exemption of the State Board of Physical Therapy Examiners from the requirement to subpoena medical records through notice or affidavit; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1309—

BY REPRESENTATIVE SHEPHERD
AN ACT

To enact R.S. 33:9029.2(D), relative to cooperative endeavor agreements; to require certain provisions requiring repayment of benefits received from the state; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Engrossed House Bill No. 1309 by Representative Shepherd

AMENDMENT NO. 1

On page 1, line 3, after "repayment of" insert "certain"

AMENDMENT NO. 2

On page 1, line 9, after "agreement" insert "under this Chapter between the state and a nongovernmental entity"

AMENDMENT NO. 3

On page 1, line 10, after "expenditure" insert ", directly or indirectly," and after "provision" change "requiring repayment" to "for the repayment of such funds"

AMENDMENT NO. 4

On page 1, line 11, after "state" delete the remainder of the line and delete lines 12 through 14, and insert:

"under the following circumstances:

(a) If the nongovernmental entity defaults on the agreement, breaches the terms of the agreement, ceases to do business, or ceases to do business in Louisiana, then it shall repay the state in accordance with the terms of the agreement,

(b) The provisions of this Paragraph shall not apply to entities participating in a business incubator program.

(2) The state entity executing the agreement shall be responsible for enforcing the provisions of this Subsection.

(3) The provisions of this Subsection shall not apply to the Quality Jobs Program or Enterprise Zone Program."

On motion of Senator Mount, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1402—

BY REPRESENTATIVES WALKER, DURAND, DORSEY, GLOVER, GRAY, KATZ, LABRUZZO, WALSWORTH, AND WINSTON
AN ACT

To enact R.S. 37:1226.2 and to repeal R.S. 37:1226.1, relative to prescription drugs; to provide for prescription drug returns and exchanges; to provide for redispensing; to provide for requirements of donations; to provide for the authority of the board to promulgate rules; to provide for limitations of liability; and to provide for related matters.

Reported with amendments by the Committee on Health and Welfare.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Health and Welfare to Engrossed House Bill No. 1402 by Representative Walker

AMENDMENT NO. 1

On page 2, delete lines 11 and 12 and insert

"(3) The donor shall execute a form stating the donation of the drugs. The"

AMENDMENT NO. 2

On page 2, delete lines 20 and 21 and insert

"(6) Expired drugs accepted by a charitable pharmacy shall not be redispensed."

On motion of Senator McPherson, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1403—

BY REPRESENTATIVE GRAY

AN ACT

To amend and reenact R.S. 40:1058.2(A)(9), relative to substance abuse/addiction treatment facilities; to delete the requirement that rules and regulations contain procedures for annual on-site surveys and complaint investigations; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1478—

BY REPRESENTATIVES WHITE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BAYLOR, BOWLER, BRUCE, BRUNEAU, BURNS, BURRELL, R. CARTER, CRANE, CROWE, CURTIS, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, ERDEY, FANNIN, FARRAR, FAUCHEUX, FLAVIN, FRITH, FUTRELL, GALLOT, GEYMAN, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, HEBERT, HILL, HONEY, HOPKINS, HUDSON, HUNTER, HUTTER, JEFFERSON, JOHNS, KATZ, LABRUZZO, LAFLEUR, LAMBERT, MARCHAND, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRELL, MURRAY, ODINET, PIERRE, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RICHMOND, RITCHIE, SALTER, SCALISE, SHEPHERD, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, WOOTON, AND WRIGHT

AN ACT

To amend and reenact R.S. 51:2453(4) and to enact R.S. 51:2453(6) and 2460(C) and (D), relative to the Louisiana Quality Jobs Programs Act; to expand the definition of "new direct job" to include employees of a facility management contractor in certain instances; to provide for definitions; to provide for penalties; and to provide for related matters.

Reported with amendments by the Committee on Commerce, Consumer Protection and International Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Commerce, Consumer Protection and International Affairs to Reengrossed House Bill No. 1478 by Representative White

AMENDMENT NO. 1

On page 2, delete lines 20 and 21 and insert the following:

"(iii) The new direct jobs of the company are only counted as new direct jobs for the employer if the company's employees associated with the facility management contract are performing the substantial portion of their work for the employer's facility."

AMENDMENT NO. 2

On page 2, line 26 after "contractor" delete "has an equivalent" and insert "have a"

AMENDMENT NO. 3

On page 2, line 28 after "The" delete "company with the facility management contract" and insert "employer"

AMENDMENT NO. 4

On page 3, line 2 after "Program," delete the remainder of the line and delete line 3 and at the beginning of line 4 delete "of the company's employees."

AMENDMENT NO. 5

On page 3, line 5 delete "two years" and insert "the time remaining on the employer's contract with the Department of Economic Development"

AMENDMENT NO. 6

On page 3, between lines 7 and 8 insert the following:

"(vii) The employer's rebate for new direct jobs provided for through one or more facility management contracts shall be computed using eighty percent of the benefit rate as defined in R.S. 51:2453(3)."

AMENDMENT NO. 7

On page 3, line 14 delete "a manufacturing" and insert "another"

On motion of Senator Hollis the committee amendment was adopted. The amended bill was read by title and recommitted to the Committee on Revenue and Fiscal Affairs.

HOUSE BILL NO. 1499—

BY REPRESENTATIVE FLAVIN

AN ACT

To amend and reenact R.S. 22:6(16)(a), relative to credit life, health, and accident insurance; to provide for requirements; to provide for credit obligations; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1500—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 37:698(A)(6), (9), and (10), (D)(2), (E), and (F), and (M) and 700(D)(2), (E), (F), (J), (L), (M), (N), (O), and (Q), to enact R.S. 37:698(A)(19) and 700(A)(9) and (10), and to repeal R.S. 37:698(O) and 700(P), relative to professional engineers and professional surveyors; to revise provisions relative to the disciplining of licensees and certificateholders and enforcement proceedings against non-licensees and non-certificate holders; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1504—
BY REPRESENTATIVE MONTGOMERY
AN ACT

To enact R.S. 39:1405.3, relative to the issuance of industrial revenue bonds; to require the approval of the issuance of such bonds by local governmental entities prior to State Bond Commission approval; to provide for an effective date; and to provide for related matters.

Reported with amendments by the Committee on Revenue and Fiscal Affairs.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Revenue and Fiscal Affairs to Reengrossed House Bill No. 1504 by Representative Montgomery

AMENDMENT NO. 1
On page 1, line 3, after "bonds by" insert "certain"

AMENDMENT NO. 2
On page 1, at the beginning of line 9, insert "A."

AMENDMENT NO. 3
On page 1, at the bottom of the page, insert:
"B. The provision of this Section shall be applicable only in parishes with a population of fifty thousand but less than one hundred twenty-five thousand according to the most recent decennial federal census and which have the Red River as a boundary for the respective parishes or through which the Red River flows."

On motion of Senator Mount, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1514—
BY REPRESENTATIVE K. CARTER
AN ACT

To amend and reenact R.S. 22:1410(I) and to enact R.S. 22:1401.1, relative to rates for commercial lines of property and casualty insurance; to provide for file and use; to provide for the office of property and casualty; to provide for procedures; to provide for rules and regulations; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1569—
BY REPRESENTATIVE JACK SMITH
AN ACT

To enact R.S. 22:249, relative to health care access for the low-income uninsured; to authorize the establishment of community-

based health care access programs; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1584—
BY REPRESENTATIVES RICHMOND, FRITH, AND JACKSON
AN ACT

To enact R.S. 40:1236.13(D) and (E), relative to automated external defibrillators; to require physical fitness facilities and institutions of higher education that compete in intercollegiate sport contests to have an automated external defibrillator on its premises; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1603—
BY REPRESENTATIVES MARCHAND AND MURRAY
AN ACT

To enact R.S. 40:1262, relative to smoking; to prohibit smoking in the Senator Nat G. Kiefer University of New Orleans Lakefront Arena; and to provide for related matters.

Reported favorably by the Committee on Health and Welfare. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1618—
BY REPRESENTATIVE FAUCHEUX
AN ACT

To amend and reenact R.S. 22:192(A)(4), 1142(A)(7) and (18), 1241(B), 1241.1(C), 1760(A)(3), and 3044(B)(6), relative to licensing requirements; to provide for criminal convictions; to provide for denial, suspension, or revocation of licenses; to provide for certificates of authority; to provide for consultants; to provide for statements; and to provide for related matters.

Reported with amendments by the Committee on Insurance.

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Insurance to Reengrossed House Bill No. 1618 by Representative Fauchaux

AMENDMENT NO. 1
On page 1, line 17 after "felony" delete the remainder of the line and on line 18 delete "breach of trust"

AMENDMENT NO. 2
On page 2, line 8 after "felony" delete "involving" and on line 9 delete "dishonesty or breach or trust"

AMENDMENT NO. 3
On page 2, line 10 after "charge" insert a period "." and delete the rest of the line and delete line 11 in its entirety.

AMENDMENT NO. 4
On page 2, line 14, delete "or insurer"

AMENDMENT NO. 5

On page 2, line 16, after "felony" delete "involving dishonesty or breach of trust"

AMENDMENT NO. 6

On page 2, line 20, between "who" and "are" insert "act as, or"

AMENDMENT NO. 7

On page 3, line 12, after "felony" insert a period "." and delete line 13 in its entirety

AMENDMENT NO. 8

On page 3, line 23, after "Felony" insert "; or" and delete the remainder of the line and delete line 24 in its entirety

AMENDMENT NO. 9

On page 4, line 5, after "felony" delete "involving dishonesty or breach of trust"

On motion of Senator Cain, the committee amendment was adopted. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the amended bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1699 (Substitute for House Bill No. 614 by Representative Ansardi)—

BY REPRESENTATIVE ANSARDI

AN ACT

To amend and reenact Civil Code Articles 2036 and 2037 and to repeal Chapter 7 of Code Title IV of Code Book III of Title 9 of the Louisiana Revised Statutes of 1950, comprised of R.S. 9:2790.1 through 2790.12, relative to civil actions; to provide relative to insolvency and the revocatory action; to repeal the Uniform Fraudulent Transfer Act; and to provide for related matters.

Reported favorably by the Committee on Commerce, Consumer Protection and International Affairs. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

HOUSE BILL NO. 1716 (Substitute for House Bill No. 399 by Representative Johns)—

BY REPRESENTATIVE JOHNS

AN ACT

To amend and reenact R.S. 22:3078 and to enact R.S. 22:3080(E), relative to medical necessity review; to revise provisions relative to informal reconsideration and second level review of adverse determinations; and to provide for related matters.

Reported favorably by the Committee on Insurance. Under the provisions of Joint Rule No. 3 of the Rules of the Senate, the bill was read by title and referred to the Legislative Bureau.

Special Order of the Day

The following Senate Bill on Third Reading and Final Passage, which was made Special Order of the Day No. 1, was taken up and acted upon as follows:

SENATE BILL NO. 32—

BY SENATOR FIELDS

AN ACT

To enact R.S. 23:643, relative to payment of employees; to provide with respect to the establishment of a state minimum wage; to provide for an increase in state minimum wage when the federal minimum wage is increased; to provide for exclusions; and to provide for related matters.

Floor Amendments Sent Up

Senator Marionneaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Marionneaux to Reengrossed Senate Bill No. 32 by Senator Fields

AMENDMENT NO. 1

On page 1, delete lines 12 through 17 and on page 2, delete line 1 and insert the following:

"B. The state minimum wage shall be established at six dollars and fifteen cents per hour for each hour worked. In the event the federal minimum wage is increased by an amount which exceeds six dollars and fifteen cents per hour for each hour worked, the state minimum wage established by this section shall be increased to such an amount, and shall be effective on the same date as the increase in the federal minimum wage."

Senator Marionneaux moved adoption of the amendments.

Senator Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fontenot	Marionneaux
Adley	Gautreaux, N	McPherson
Amedee	Jackson	Nevers
Total—9		

NAYS

Bajoie	Gautreaux, B	Malone
Barham	Hainkel	Michot
Boasso	Heitmeier	Mount
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Theunissen
Dupre	Jones	Ullo
Ellington	Kostelka	
Fields	Lentini	
Total—25		

ABSENT

Boissiere	Dardenne	Smith
Cain	Duplessis	
Total—5		

The Chair declared the amendments were rejected.

Floor Amendments Sent Up

Senator Jackson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Jackson to Reengrossed Senate Bill No. 32 by Senator Fields

AMENDMENT NO. 1

On Page 1, line 4 delete "to provide for exclusions;"

AMENDMENT NO. 2

On page 2, delete lines 2 through 4

Senator Jackson moved adoption of the amendments.

Senator Fields objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Chaisson	Heitmeier	Nevers
Cheek	Irons	Romero
Cravins	Jackson	Smith
Duplessis	Jones	Ullo
Total—27		

NAYS

Barham	Holden	Schedler
Dardenne	Hollis	Theunissen
Fields	Kostelka	
Hainkel	Malone	
Total—10		

ABSENT

Boissiere	Cain
Total—2	

The Chair declared the amendments were adopted.

On motion of Senator Heitmeier, Senate Bill No. 32, as amended, was recommitted to the Committee on Finance.

Senator Hollis in the Chair

Senate Concurrent Resolutions on Second Reading Reported by Committees

The following Senate Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

SENATE CONCURRENT RESOLUTION NO. 132—

BY SENATOR CHAISSON

A CONCURRENT RESOLUTION

To direct the governor of the state of Louisiana, the president of the Senate, and the speaker of the House of Representatives to, individually or jointly, take appropriate action to prohibit smoking throughout the state capitol thereby creating and declaring the capitol a "smoke-free" environment.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Chaisson moved to adopt the Senate Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the Senate had adopted the Senate Concurrent Resolution and ordered it sent to the House.

Mr. President in the Chair

House Concurrent Resolutions on Second Reading Reported by Committees

The following House Concurrent Resolutions reported by Committees were taken up and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 128—

BY REPRESENTATIVES WINSTON, CURTIS, DOERGE, DORSEY, DURAND, GRAY, E. GUILLORY, KATZ, LABRUZZO, MCDONALD, STRAIN, WADDELL, AND WALKER

A CONCURRENT RESOLUTION

To continue the implementation of the "No Wrong Door" plan authorized by Act 726 of the 2003 Regular Session and in addition, to allow the Joint Legislative Committee on the Budget and any involved executive departments an opportunity to review the "No Wrong Door" plan and its implementation and provide written comments to the Department of Social Services by September, 2004.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Jackson moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

HOUSE CONCURRENT RESOLUTION NO. 155—

BY REPRESENTATIVE BRUCE

A CONCURRENT RESOLUTION

To urge and request state agencies to participate in the Early Childhood Comprehensive Systems initiative to establish and promote early childhood development programs.

Reported favorably by the Committee on Health and Welfare.

The resolution was read by title. Senator Jackson moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

**House Bills and Joint Resolutions on
Third Reading
and Final Passage**

The following House Bills and Joint Resolutions on third reading and final passage were taken up and acted upon as follows:

HOUSE BILL NO. 552—

BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 32:778(B) and 1254(N)(1)(d), relative to warranty and repair services on school buses; to provide that school bus warranty and repair services may be performed by certain heavy truck dealers; and to provide for related matters.

Floor Amendments Sent Up

Senator Hollis sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Hollis to Engrossed House Bill No. 552 by Representative Pinac

AMENDMENT NO. 1

Delete Senate Committee Amendment Nos. 1 through 4 proposed by the Senate Committee on Commerce, Consumer Protection and International Affairs and adopted by the Senate on May 20, 2004.

On motion of Senator Hollis, the amendments were adopted.

The bill was read by title. Senator Michot moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 553— BY REPRESENTATIVE PINAC

AN ACT

To amend and reenact R.S. 32:1252(10) and 1254(N)(1)(a) and to enact R.S. 32:1254.1(D), relative to motor vehicles; to revise the definition of "franchise"; to provide for the effect of enactments and rules on licensees; to provide relative to warranty and sales incentive audits; and to provide for related matters.

The bill was read by title. Senator Michot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero

Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 608— BY REPRESENTATIVES JACK SMITH AND PIERRE AN ACT

To repeal Chapter 5 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:1621 through 1623, relative to employees of the Wildlife and Fisheries Commission; to repeal the prohibition on exploitation of natural resources by such employees; and to provide for related matters.

On motion of Senator Romero, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 699— BY REPRESENTATIVE DURAND AN ACT

To enact R.S. 13:3715.1(B)(6), relative to medical or hospital records; to provide for records related to substance or alcohol abuse, education, training, treatment, rehabilitation, or research; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Boissiere

Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 878—

BY REPRESENTATIVE DURAND

AN ACT

To enact R.S. 46:56(B)(3), relative to client case records; to provide for the Department of Social Services' authorization to share access; and to provide for related matters.

The bill was read by title. Senator Jackson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Boissiere

Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Jackson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 986—

BY REPRESENTATIVE HEBERT

AN ACT

To amend and reenact R.S. 22:250.2(E)(2)(b) and (c), 250.11(E), and 250.15(A) and to enact R.S. 22:250.4(F), relative to standards for health benefits for mothers and newborns; to provide with respect to coverage of a newborn child; and to provide for related matters.

The bill was read by title. Senator Irons moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1160—

BY REPRESENTATIVE ALARIO

AN ACT

To enact R.S. 33:423.14 and 2569, relative to the police department in certain municipalities; to provide that the position of assistant police chief shall be in the unclassified service; to provide for the appointment and duties of such person; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler

Cheek	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Cravins
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1211—

BY REPRESENTATIVE SHEPHERD
AN ACT

To amend and reenact R.S. 22:215.14(A) and to enact R.S. 22:215.14(E), relative to health insurance; to provide that coverage of childhood immunizations shall not be subject to any deductible; and to provide for related matters.

Floor Amendments Sent Up

Senator Irons sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Irons to Reengrossed House Bill No. 1211 by Representative Shepherd

AMENDMENT NO. 1

On page 1, line 2, after “enact R.S. 22:215.14(E)” insert “and 215.26”

AMENDMENT NO. 2

On page 1, line 4, after “to any deductible;” insert “to require certain health insurance policies, contracts, and plans to provide for prescription birth control drugs; to provide relative to copayments or coinsurances; to provide for exclusions;”

AMENDMENT NO. 3

On page 1, after line 20, insert the following:

“ * * *

Section 2. R.S. 22:215.26 is hereby enacted to read as follows:
§215.26. Requirement for coverage of contraceptives and contraceptive services

R.S. 22:215.26 is all proposed new law.

A. Every health insurance policy, contract, or plan specified in Subsection D of this Section which is delivered or issued for delivery in this state and which provides coverage for prescription drugs shall provide coverage for any birth control drug that is approved by the United States Food and Drug Administration and that is obtained by prescription as defined in R.S. 37:1164(44).

B. No such health insurance policy, contract, or plan shall impose a different copayment or coinsurance for a medically prescribed birth control drug other than that which is imposed for any other prescribed drug.

C.(1) Any employer which is a religious organization may request, and the issuer of a health insurance policy, plan, or contract shall grant, an exclusion from coverage under such policy, plan, or contract for coverage of birth control drugs as required by Subsection A of this Section if such coverage conflicts with the religious beliefs and practices of the organization.

(2) Every religious employer that invokes the exemption provided under this Section shall provide written notice to all employees and to all prospective employees at the time an offer of employment is made:

(a) Listing the contraceptive health services that the employer refuses to cover for religious reasons; and

(b) Describing how an employee may directly access contraceptive services under this Section.

(3) Health insurers shall allow enrollees in a health plan exempted under this Section to directly purchase coverage for birth control drugs. The cost to the enrollee shall not exceed the enrollee's pro rata share of the price the religious employer would have paid for such coverage had the religious employer not invoked the religious exemption.

(4) Nothing in this Section shall be construed to exclude coverage for prescription contraceptive supplies ordered by a health care provider for reasons other than contraceptive purposes, such as decreasing the risk of ovarian cancer or eliminating symptoms of menopause, or for prescription contraception that is necessary to preserve the life or health of the insured.

(5) A religious employer may not discriminate against an individual who chooses to obtain insurance coverage of or prescriptions for birth control drugs.

(6) Any religious employer that invokes the religious exemption provided under this Section must provide annual, written notice thereof to the commissioner. The commissioner shall maintain a separate file of all such written notices and shall make them available to any member of the public upon his or her request.

(7) For purposes of this Section, a “religious employer” is an entity for which each of the following is true:

(a) The inculcation of religious benefits is the primary purpose of the entity.

(b) The entity primarily employs persons who share the religious beliefs of the entity.

(c) The entity serves primarily persons who share the religious tenets of the entity.

(d) The entity is a nonprofit organization pursuant to the 26 U.S.C.A., §501(c)(3), as amended.

D. As used in this Section, health insurance policy, contract, or plan shall include every hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, health and accident insurance policy, or any other insurance contract of this type, including a group insurance plan, the State Employees' Group Benefits Program, or any policy of group, family group, blanket, or franchise health and accident insurance, a self-insurance plan, and a contract or agreement with a health maintenance organization or a preferred provider organization.

E. The provisions of this Section shall only apply to birth control drugs and shall not be construed to apply to any antiprogesterin or other abortifacient class drug.

F. The provisions of this Section shall not apply to individually underwritten, guaranteed renewable limited benefit health insurance policies.

Section 3. The provisions of Section 2 of this Act shall be effective on October 1, 2004 and shall apply to every policy,

contract, or plan delivered, issued for delivery, or renewed in this state on or after such date.”

Senator Irons moved adoption of the amendments.

Senator Hainkel objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Cravins	Irons
Bajoie	Duplessis	Jackson
Boissiere	Fields	Jones
Cain	Gautreaux, B	Marionneaux
Chaisson	Gautreaux, N	McPherson
Cheek	Holden	
Total—17		

NAYS

Adley	Heitmeier	Romero
Barham	Kostelka	Schedler
Dardenne	Lentini	Smith
Dupre	Malone	Theunissen
Ellington	Michot	Ullo
Hainkel	Nevers	
Total—17		

ABSENT

Amedee	Fontenot	Mount
Boasso	Hollis	
Total—5		

The Chair declared the amendments were rejected.

Personal Privilege

Senator Cain asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on the amendment by Senator Irons to House Bill No. 1211. He voted yea on the amendment and had intended to vote nay. He asked that the Official Journal so state.

The bill was read by title. Senator Bajoie moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boissiere	Hainkel	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler

Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—34		

NAYS

Total—0

ABSENT

Amedee	Fontenot	Mount
Boasso	Heitmeier	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Bajoie moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1228—

BY REPRESENTATIVE DURAND
AN ACT

To amend and reenact R.S. 40:1232.6(introductory paragraph) and 1300.51(3) and (5) and R.S. 44:9(F) and (G) and to enact R.S. 40:1300.51(2)(h), relative to emergency medical personnel; to provide grounds for disciplinary proceedings; to modify definitions; to provide for records of violations of municipal ordinances and of state statutes classified as a misdemeanor or felony; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 1253—

BY REPRESENTATIVES PINAC, CROWE, DOERGE, FLAVIN, FRITH, JACKSON, MARCHAND, H. POWELL, RITCHIE, SHEPHERD, GARYSMITH, STRAIN, TRAHAN, WADDELL, WHITE, AND WINSTON
AN ACT

To enact R.S. 32:1254(N)(3)(k), relative to motor vehicle dealer disclosure; to provide relative to dealer participation in finance charges; and to provide for related matters.

The bill was read by title. Senator Michot moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo

Dupre Kostelka
Ellington Lentini
Total—37

NAYS

Total—0

ABSENT

Adley Boasso
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator Michot moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1285—

BY REPRESENTATIVES JEFFERSON, BROOME, BURNS, CURTIS, GLOVER, GRAY, E. GUILLORY, M. GUILLORY, LABRUZZO, MCDONALD, AND STRAIN

AN ACT

To amend and reenact R.S. 40:1299.1(B), relative to testing of newborns; to require the Department of Health and Hospitals to increase the number of tests required on newborns; and to provide for related matters.

The bill was read by title. Senator Bajoie moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Bajoie moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1388—

BY REPRESENTATIVES ALARIO AND SALTER AND SENATORS HEITMEIER AND HINES

AN ACT

To amend and reenact R.S. 42:455(A)(2)(b), relative to payroll deductions; to provide payroll deductions for certain domestic companies; to provide for an effective date; and to provide for related matters.

The bill was read by title. Senator Heitmeier moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Heitmeier moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1439—

BY REPRESENTATIVES DOWNS AND SALTER

AN ACT

To amend and reenact R.S. 22:1194.2(A), relative to the Louisiana Consortium of Insurance and Financial Services; to provide for appointment of board members; to provide for legislative appointments; and to provide for related matters.

The bill was read by title. Senator Cheek moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone

Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Hainkel
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1501—

BY REPRESENTATIVE ALARIO

AN ACT

To enact R.S. 33:4712.10, relative to naming an administrative building; to authorize the parish governing authority in certain parishes to name an administrative building in honor of a former parish president; to provide limitations; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson
Bajoie	Gautreaux, N	Michot
Barham	Hainkel	Mount
Boasso	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Boissiere	Cravins
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1512—

BY REPRESENTATIVE ALARIO

AN ACT

To enact R.S. 33:4712.10, relative to naming an entryway or entry plaza to parish administrative buildings; to authorize the parish governing authority in certain parishes to name a common entryway or plaza for parish administrative buildings in honor of a former parish councilman; to provide limitations; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1543—

BY REPRESENTATIVE BRUNEAU

AN ACT

To amend and reenact R.S. 40:1236.13(A)(3)(a) and 1236.14, relative to automated external defibrillators; to authorize the use of automated external defibrillators by private security personnel; and to provide for related matters.

The bill was read by title. Senator Jackson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	McPherson
Amedee	Fontenot	Michot
Bajoie	Gautreaux, B	Mount
Barham	Gautreaux, N	Nevers
Boasso	Heitmeier	Romero
Cain	Holden	Schedler
Chaisson	Irons	Smith
Cheek	Jackson	Theunissen
Cravins	Jones	Ullo
Dardenne	Kostelka	
Duplessis	Lentini	
Total—34		

NAYS

Fields	Marionneaux
Total—2	

ABSENT

Boissiere	Hainkel	Hollis
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Jackson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 1557—

BY REPRESENTATIVE MARCHAND

AN ACT

To enact R.S. 51:1423, relative to unfair or deceptive acts or practices; to provide for boilers at commercial laundromats; to provide for minimum water temperature for hot water in washing machines at commercial laundromats; to provide for enforcement; to provide for rules and regulations; and to provide for related matters.

The bill was read by title. Senator Duplessis moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Duplessis	Jackson
Amedee	Dupre	Jones
Bajoie	Ellington	Malone
Boasso	Fields	McPherson
Boissiere	Fontenot	Michot
Cain	Heitmeier	Romero
Cheek	Holden	Schedler
Cravins	Hollis	Smith
Dardenne	Irons	Ullo
Total—27		

NAYS

Adley	Hainkel	Marionneaux
Barham	Kostelka	Nevers
Gautreaux, N	Lentini	Theunissen
Total—9		

ABSENT

Chaisson	Gautreaux, B	Mount
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Duplessis moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Personal Privilege

Senator Malone asked for and obtained the floor of the Senate on a point of personal privilege, and stated he had voted in error on House Bill No. 1557. He voted yea on the bill and had intended to vote nay. He asked that the Official Journal so state.

HOUSE BILL NO. 1640—

BY REPRESENTATIVE JACK SMITH

AN ACT

To amend and reenact R.S. 42:1123(22)(a), relative to exceptions from ethics laws for elected officials of certain municipalities to enter into certain transactions; to provide for a mayor or member of a governing authority of certain municipalities to enter into certain transactions; to increase the population size of the municipalities included in the exception; and to provide for related matters.

The bill was read by title. Senator B. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Chaisson	Dupre	Kostelka
Cheek	Gautreaux, B	Marionneaux
Cravins	Gautreaux, N	Ullo
Duplessis	Jones	
Total—11		

NAYS

Amedee	Hainkel	Nevers
Barham	Heitmeier	Romero
Cain	Hollis	Schedler
Dardenne	Irons	Smith
Ellington	Lentini	Theunissen
Fields	Malone	
Fontenot	Mount	
Total—19		

ABSENT

Mr. President	Boasso	Jackson
Adley	Boissiere	McPherson
Bajoie	Holden	Michot
Total—9		

The Chair declared the bill failed to pass.

Notice of Reconsideration

Senator B. Gautreaux, pursuant to Senate Rule Number 11.12, gave notice that before the expiration of the Morning Hour of the next succeeding legislative day of the Senate, he would move to reconsider the vote by which the bill failed to pass.

HOUSE BILL NO. 14— BY REPRESENTATIVE BRUCE

AN ACT

To amend and reenact the heading of Chapter 5-L of Title 25 of the Louisiana Revised Statutes of 1950 and R.S. 25:380.91, 380.92(A) and (C)(2), 380.93(B)(5) and (C)(1), 380.94, 380.95(A), (B), and (C)(1), (2)(b)(iii), and (3), and 380.96 and R.S. 36:744(W) and 801.16(A)(1) and (2) and (C), relative to the Mansfield Women's College Museum in the Department of State; to change the name of the museum; and to provide for related matters.

The bill was read by title. Senator Cheek moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 24—

BY REPRESENTATIVES BRUNEAU AND HEATON
AN ACT

To enact R.S. 33:9091.7, relative to the Lakewood Crime Prevention and Improvement District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

The bill was read by title. Senator Irons moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 59—

BY REPRESENTATIVE BRUCE
AN ACT

To enact R.S. 25:215(B)(13), relative to the DeSoto Parish Library; to transfer the administration of and accounting functions for funds of the library from the DeSoto Parish Police Jury to the DeSoto Parish Library Board of Control; and to provide for related matters.

The bill was read by title. Senator Cheek moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Cheek moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 61—

BY REPRESENTATIVES SCALISE, CROWE, ALEXANDER BADON, BURNS, ERDEY, FAUCHEUX, FLAVIN, FRITH, GEYMAN, JOHNS, LABRUZZO, T. POWELL, SMILEY, JANE SMITH, JOHN SMITH, AND WALKER AND SENATORS CAIN, MICHOT, AND THEUNISSEN

A JOINT RESOLUTION

Proposing an amendment to the Constitution of Louisiana, to enact Article I, Section 27, relative to marriage; to provide for valid and recognized marriages; to provide for the legal incidents of marriage; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

On motion of Senator Hainkel, House Bill No. 61 was made Special Order of the Day No. 1 on Wednesday, June 9, 2004 immediately following the Morning Hour.

HOUSE BILL NO. 96—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To enact R.S. 37:2950(D)(1)(a)(xiv), relative to professions and occupations; to add the State Board of Elementary and Secondary Education to the list of exempt agencies from the general prohibition against the state disqualifying an applicant for employment or for a license, permit, or certificate for an occupation, trade, or profession solely based upon a prior criminal record; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	

Total—38

NAYS

Total—0

ABSENT

McPherson

Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Senator Ellington in the Chair

HOUSE BILL NO. 105—

BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 56:325(A)(11), relative to the taking of channel catfish; to provide relative to recreational possession limits for channel catfish caught in Toledo Bend Reservoir; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Cheek	Holden	Schedler
Cravins	Hollis	Smith

Dardenne	Irons	Theunissen
Duplessis	Jones	Ullo
Total—36		

NAYS

Total—0

ABSENT

Chaisson	Jackson	Kostelka
Total—3		

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 142—

BY REPRESENTATIVE JACK SMITH
AN ACT

To amend and reenact R.S. 32:217(B), relative to pedestrians' rights and duties on public streets or highways; to provide that traffic shall yield to a person who requires a wheelchair for transportation and who is crossing a street; and to provide for related matters.

The bill was read by title. Senator B. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Malone
Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Nevers
Boissiere	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Cain	Jackson
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 173—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:421.9(B), 421.10(B), and 421.11(B), relative to school employees; to provide relative to salary supplements for certain school employees who have acquired certain credentials; to provide conditions and guidelines for receiving the supplement; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 181—

BY REPRESENTATIVE GARY SMITH
AN ACT

To amend and reenact R.S. 33:1448(G) and to enact R.S. 33:1448(O), relative to group insurance premiums; to provide for the payment of insurance premiums for certain retired sheriffs and deputy sheriffs in St. Charles Parish; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Malone
-------	-----------	--------

Bajoie	Fields	Marionneaux
Barham	Fontenot	McPherson
Boasso	Gautreaux, B	Michot
Boissiere	Gautreaux, N	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jones	Theunissen
Duplessis	Kostelka	Ullo
Dupre	Lentini	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Hainkel
Amedee	Jackson
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 193—

BY REPRESENTATIVE SALTER
AN ACT

To amend and reenact R.S. 38:2238.2(A)(2)(a), relative to procurement of used fire and emergency response vehicles and equipment by local political subdivisions; to provide with respect to the public notice of the request for proposals; and to provide for related matters.

The bill was read by title. Senator Smith moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Dupre	Malone
Amedee	Ellington	Marionneaux
Bajoie	Fields	McPherson
Barham	Fontenot	Michot
Boasso	Gautreaux, B	Mount
Boissiere	Gautreaux, N	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—35		

NAYS

Total—0

ABSENT

Mr. President	Kostelka
Hainkel	Lentini
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Smith moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 212—

BY REPRESENTATIVE BOWLER
AN ACT

To enact R.S. 33:2561.1, relative to fire and police civil service; to provide with respect to small municipalities, parishes, and fire protection districts; to authorize the fire and police civil service board to award attorney fees to an appealing employee under certain circumstances; to provide for a maximum award; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 213—

BY REPRESENTATIVE CRANE AND SENATOR ULLO
AN ACT

To amend and reenact R.S. 17:1954(A)(introductory paragraph) and (C)(1), (3), (4), and (5), relative to a special education advisory panel; to specify that the panel shall be appointed by the State Board of Elementary and Secondary Education; to specify that the panel shall advise the State Board of Elementary and Secondary Education in certain matters; and to provide for related matters.

The bill was read by title. Senator Ullo moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Ullo moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 234—

BY REPRESENTATIVES BRUNEAU AND HEATON
AN ACT

To amend and reenact R.S. 33:9075(B), (D)(1)(a) and (c), and (F)(1)(a), (b), and (d), relative to the Lake Oaks Subdivision Improvement District; to provide for district boundaries the membership of the board of commissioners, the vote of district electors necessary to levy a parcel fee, the maximum amount, the duration, and renewal of such fee, and elections for fee approval and renewal; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Dupre	Malone	
Total—34		

NAYS

Total—0

ABSENT

Mr. President	Hainkel	Lentini
Cain	Kostelka	
Total—5		

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 235—

BY REPRESENTATIVE BRUNEAU
AN ACT

To enact R.S. 33:9091.7, relative to the Lakeshore Crime Prevention District; to create and provide with respect to such district, including provisions for the district and its board of commissioners and their powers, duties, functions, and responsibilities; to provide for imposition and collection of a parcel fee and for the use thereof; and to provide for related matters.

The bill was read by title. Senator Irons moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Hollis	Theunissen
Cravins	Irons	Ullo
Dardenne	Jackson	
Duplessis	Jones	
Total—37		

NAYS

Total—0

ABSENT

Kostelka	Lentini
Total—2	

The Chair declared the bill was passed. The title was read and adopted. Senator Irons moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 257—

BY REPRESENTATIVE CRANE

AN ACT

To amend and reenact R.S. 17:3022(A)(1)(introductory paragraph) and 3093(B)(2), relative to the membership of the Louisiana Student Financial Assistance Commission; to increase the membership of the Louisiana Student Financial Assistance Commission; to provide relative to commission members serving on the Louisiana Tuition Trust Authority; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount

Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 283—

BY REPRESENTATIVES WINSTON, R. CARTER, MCVEA, T. POWELL, AND STRAIN

AN ACT

To amend and reenact R.S. 33:4574.1-A(A)(1)(dd), relative to the Tangipahoa Parish Tourist and Film Commission; to increase the maximum rate of hotel occupancy tax which the commission is authorized to levy; and to provide for related matters.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Kostelka
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 285—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 32:1720.1, relative to towing and storage of motor vehicles; to provide relative to stored motor vehicles; to remove certain requirements applicable to surrender of such vehicles to a secured party; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Kostelka
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 302—

BY REPRESENTATIVE GARY SMITH

AN ACT

To amend and reenact R.S. 17:10.4(A) and (D)(2), relative to the distinguished educators program; to establish a deadline for the selection of distinguished educators from among active employees of city, parish, and other local public school boards; to require certain notice to a city, parish, or other local public school board whenever an active employee of the school board is selected; to limit in any year in which selections are made the number of persons serving as distinguished educators who are from any one city, parish, or other local public school board; to provide relative to the applicability of such limitation; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo

Duplessis
Total—38

NAYS

Total—0

ABSENT

Kostelka
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 384—

BY REPRESENTATIVE TOWNSEND

AN ACT

To amend and reenact R.S. 32:80(B), relative to school buses; to provide relative to the use of visual stop-indicator signals on school buses; and to provide for related matters.

The bill was read by title. Senator Amedee moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler

Cheek
Dardenne
Duplessis
Total—36

Irons
Jackson
Jones
Smith
Theunissen
Ullo

NAYS

Total—0

ABSENT

Cravins
Total—3

Gautreaux, N
Kostelka

The Chair declared the bill was passed. The title was read and adopted. Senator Amedee moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 395—

BY REPRESENTATIVES ALARIO, ANSARDI, BOWLER, DAMICO, MARTINY, SHEPHERD, TOOMY, TUCKER, AND WOOTON AND SENATORS BOISSIERE, HAINKEL, HOLLIS, LENTINI, AND ULLO
AN ACT

To authorize and provide for the exchange and transfer of certain state property situated in Jefferson Parish between the Department of Culture, Recreation and Tourism and the Jefferson Parish Council; and to provide for related matters.

The bill was read by title. Senator Hainkel moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Adley	Fontenot	Marionneaux
Amedee	Gautreaux, B	McPherson
Bajoie	Gautreaux, N	Michot
Barham	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Ellington	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Boasso
Total—2

Cravins

The Chair declared the bill was passed. The title was read and adopted. Senator Hainkel moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 396—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 33:4096(B)(2), (D), and (E) and 4121(B)(2), (D), and (E), relative to the New Orleans Sewerage and Water Board; to provide with respect to certain limitations on issuing water and sewerage revenue bonds; and to provide for related matters.

The bill was read by title. Senator Boissiere moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Cravins
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Boissiere moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 450—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S.56:424(E)(2) and 433(J), relative to taking oysters; to require the use of a vessel monitoring system by a person convicted of violations of the laws governing the taking of oysters; and to provide for related matters.

The bill was read by title. Senator Boasso moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
---------------	-----------	---------

Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Cravins
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Boasso moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 494—

BY REPRESENTATIVE ODINET
AN ACT

To amend and reenact R.S. 3:4631(E), 40:5.3(E) and (F), and 56:449(A) and (C), relative to the National Shellfish Sanitation Program; to remove from the statutes references to the standards as adopted by the program; and to provide for related matters.

The bill was read by title. Senator Boasso moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Jackson
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Boasso moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 556—
BY REPRESENTATIVES CRANE AND DORSEY
AN ACT

To amend and reenact Section 1(B) of Act No. 991 of the 1999 Regular Session of the Legislature, relative to the authority granted to the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College to impose specified increases in tuition amounts at the university laboratory school; to remove exceptions relative to the payment of certain authorized amount increases provided for certain families based on gross annual household income; to provide for the applicability of exceptions previously authorized by law; to provide an effective date; and to provide for related matters.

The bill was read by title. Senator Dardenne moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Lentini
Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Dardenne moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 565—
BY REPRESENTATIVE FARRAR (BY REQUEST)
AN ACT

To amend and reenact R.S. 17:87.8(A)(introductory paragraph), relative to procedures for renting or leasing of sixteenth section school lands by local school boards for hunting or trapping

purposes; to remove Rapides Parish from the list of parishes excepted from such provisions; and to provide for related matters.

The bill was read by title. Senator McPherson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Malone
Adley	Ellington	Marionneaux
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Holden	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Hollis
Total—2

The Chair declared the bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 566—
BY REPRESENTATIVE FARRAR (BY REQUEST)
AN ACT

To enact R.S. 41:900, relative to the exchange of unused school land; to authorize the Rapides Parish School Board to exchange unused school land, including but not limited to sixteenth section land; to provide procedures, terms, and conditions, including advertisement, appraisals, and public hearing for such exchange; and to provide for related matters.

Floor Amendments Sent Up

Senator McPherson sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator McPherson to Engrossed House Bill No. 566 by Representative Farrar

AMENDMENT NO. 1

On page 2, between lines 21 and 22, insert the following;

"F.(1) The Rapides Parish School Board may exchange immovable property it currently holds in full ownership for full ownership of the immovable property described in Paragraph(2) of this Subsection upon which the school board possesses a full surface use servitude. Such exchange shall be for property of equal value and shall be conducted in accordance with the procedures set forth in this Subsection.

(2) The property to which this specific grant of authority applies is: A tract of land in Section 27, T1S-R4W, described as commencing at a point on the South line of said section where the East line of the right of way for State Highway Number 151 crosses said section line and running thence N.31N40' East along the East line of said highway 14.08 chains; thence N.89N55' East 12.60 chains; thence South 0N7' East 12 chains, to a point on the South line of said Section 27; thence S.89N58' W. along said section line 20 chains to a point of beginning, containing 19.56 acres more or less."

On motion of Senator McPherson, the amendments were adopted.

The bill was read by title. Senator McPherson moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo
Duplessis	Jones	
Total—38		

NAYS

Total—0

ABSENT

Kostelka
Total—1

The Chair declared the amended bill was passed. The title was read and adopted. Senator McPherson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 570—

BY REPRESENTATIVE GARY SMITH

AN ACT

To amend and reenact R.S. 17:270(A) and 271(A)(2) and R.S. 32:402.1(A)(introductory paragraph) and (1) and (2)(introductory paragraph), 402.2, 407(A)(2)(a), and

408(A)(1), relative to driver education, training, and testing; to require instruction relative to sharing the road with motorcycles and tractor/trailer trucks during driver education, training, improvement, and remediation programs; and to provide for related matters.

The bill was read by title. Senator Chaisson moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	McPherson
Barham	Gautreaux, B	Michot
Boasso	Gautreaux, N	Mount
Boissiere	Hainkel	Nevers
Cain	Heitmeier	Romero
Chaisson	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo

Duplessis
Total—38

Jones

NAYS

Lentini
Total—1

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Chaisson moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 606—

BY REPRESENTATIVES JACK SMITH, PIERRE, AND THOMPSON
AND SENATORS B. GAUTREAUX AND MALONE

AN ACT

To amend and reenact R.S. 56:649.3(A) and 650(A)(2), relative to lifetime hunting and fishing licenses; to provide for a senior lifetime hunting and fishing license; and to provide for related matters.

Floor Amendments Sent Up

Senator B. Gautreaux sent up floor amendments which were read.

SENATE FLOOR AMENDMENTS

Amendments proposed by Senator B. Gautreaux to Reengrossed House Bill No. 606 by Representative Jack Smith

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 56:" insert "14(B) and (C),"

AMENDMENT NO. 2

On page 1, line 3, after "license;" insert "to provide relative to the Saltwater Fishery Enforcement Fund;"

AMENDMENT NO. 3

On page 1, line 6, after "R.S. 56:" insert "14(B) and (C),"

AMENDMENT NO. 4

On page 1, between lines 7 and 8, insert

"§14. Saltwater Fishery Enforcement Fund; creation; use of monies in the fund

* * *

B. The monies in the "Saltwater Fishery Enforcement Fund" shall be obtained and allocated pursuant to Subsection C of this Section. Monies deposited into the fund, and the revenues derived from investment of monies in the fund, shall ~~not~~ be considered as part of the Conservation Fund, and shall be used to enforce all saltwater fishery and fishery related laws, rules, and regulations in the coastal parishes of the state.

C. ~~Effective July 1, 1999, the outstanding balance of monies in the Commercial Fisherman's Economic Assistance Fund is hereby transferred to the "Saltwater Fishery Enforcement Fund". The state treasurer shall credit to the Saltwater Fishery Enforcement Fund such additional funds as are received from private contributions, courts, and donations made to the Saltwater Fishery Enforcement Fund and that money dedicated to the enforcement division as provided for in R.S. 56:301.7 (B).~~ The monies in the Saltwater Fishery Enforcement Fund shall be used solely as provided for in this Section. The state treasurer shall prepare and submit to the department, on a quarterly basis, a printed report showing the amount of money contained in the fund from all sources.

* * *

On motion of Senator B. Gautreaux, the amendments were adopted.

The bill was read by title. Senator B. Gautreaux moved final passage of the amended bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the amended bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 620—

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 49:213.10(C), relative to venue; to provide for proper venue for certain actions where the state is a party; and to provide for related matters.

The bill was read by title. Senator B. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	McPherson
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Hainkel	Nevers
Boissiere	Heitmeier	Romero
Cain	Holden	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Gautreaux, N

Marionneaux

Total—2

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 626—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 32:666(C), relative to refusal to submit to chemical tests; to provide with respect to law enforcement officers who are appointed as ex officio notaries public; and to provide for related matters.

The bill was read by title. Senator Ellington moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Ellington moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 635—

BY REPRESENTATIVE QUEZAIRE
AN ACT

To amend and reenact R.S.48:461.4(b)(3) and (4) and 461.26(B), relative to outdoor advertising; to provide relative to outdoor advertising along designated state parkways; to provide measurement requirements for placement of off-premise outdoor advertising signs along designated state parkways; to provide that certain signs shall not be placed in a stacked configuration; to provide relative to the maximum height of certain outdoor advertising signs; and to provide for related matters.

On motion of Senator Bajoie, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 649—

BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 36:354(E)(2), relative to powers and duties of the secretary of the Department of Natural Resources; to authorize the training and certification of home energy raters by the office of the secretary; and to provide for related matters.

The bill was read by title. Senator Malone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Kostelka
Adley	Ellington	Lentini
Amedee	Fields	Malone
Bajoie	Fontenot	Marionneaux
Barham	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Michot
Boissiere	Hainkel	Mount
Cain	Heitmeier	Nevers
Chaisson	Holden	Romero
Cheek	Hollis	Schedler
Cravins	Irons	Smith
Dardenne	Jackson	Theunissen
Duplessis	Jones	Ullo
Total—39		

NAYS

Total—0

ABSENT

Total—0

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 650—

BY REPRESENTATIVE PIERRE
AN ACT

To repeal R.S. 49:954.2, to repeal the provisions of the Unified Oil and Gas Development Regulatory Index; and to provide relative to validity of certain actions.

The bill was read by title. Senator Malone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Fontenot

Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 652—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 30:86(E)(2), relative to the Oilfield Site Restoration Fund; to provide relative to the amount of the fund that can be used by the Department of Natural Resources for administration; and to provide for related matters.

On motion of Senator Malone, the bill was read by title and returned to the Calendar, subject to call.

HOUSE BILL NO. 653—

BY REPRESENTATIVE PIERRE

AN ACT

To enact R.S. 56:424(H), relative to taking of oysters; to authorize the Department of Natural Resources to sample oyster leases for matters related to coastal restoration; and to provide for related matters.

The bill was read by title. Senator B. Gautreaux moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Duplessis

Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator B. Gautreaux moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 654—

BY REPRESENTATIVES PIERRE AND DANIEL

AN ACT

To amend and reenact R.S. 30:706, relative to fees paid for the hazardous liquid pipeline program; to provide for review and revision of the annual inspection fee; and to provide for related matters.

The bill was read by title. Senator Malone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Barham	Gautreaux, N	Michot
Boasso	Hainkel	Mount
Boissiere	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Dupre	Kostelka	
Total—38		

NAYS

Total—0

ABSENT

Duplessis

Total—1

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 655—

BY REPRESENTATIVES PIERRE AND DANIEL

AN ACT

To amend and reenact R.S. 30:560, relative to natural gas distribution; to provide relative to pipeline safety inspection fees; to provide relative to the amounts and imposition of such fees; and to provide for related matters.

The bill was read by title. Senator Malone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	McPherson
Boasso	Gautreaux, N	Mount
Boissiere	Heitmeier	Nevers
Cheek	Holden	Romero
Cravins	Irons	Schedler
Dardenne	Jackson	Smith
Duplessis	Jones	Theunissen
Dupre	Kostelka	Ullo
Ellington	Lentini	
Total—32		

NAYS

Barham	Cain	Hainkel
Total—3		

ABSENT

Adley	Hollis
-------	--------

Chaisson	Michot
Total—4	

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 656—

BY REPRESENTATIVE PIERRE

AN ACT

To amend and reenact R.S. 30:503(12) and to enact R.S. 30:503(13) and (14), relative to the regulation of natural gas distribution; to define certain distribution systems; and to provide for related matters.

The bill was read by title. Senator Malone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Ellington	Lentini
Adley	Fields	Malone
Amedee	Fontenot	Marionneaux
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Hainkel	Nevers
Boissiere	Heitmeier	Romero
Cain	Holden	Schedler
Cheek	Hollis	Smith
Cravins	Irons	Theunissen
Dardenne	Jackson	Ullo

Duplessis
Dupre
Total—37

Jones
Kostelka

NAYS

Total—0

ABSENT

Chaisson
Total—2
McPherson

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

HOUSE BILL NO. 669—

BY REPRESENTATIVES PIERRE AND DANIEL

AN ACT

To amend and reenact R.S. 30:93, relative to oilfield site restoration; to provide relative to sites eligible for restoration; to provide relative to recovery of restoration costs; and to provide for related matters.

The bill was read by title. Senator Malone moved the final passage of the bill.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Lentini
Adley	Ellington	Malone
Amedee	Fields	Marionneaux
Bajoie	Fontenot	Michot
Barham	Gautreaux, B	Mount
Boasso	Gautreaux, N	Nevers
Boissiere	Hainkel	Romero
Cain	Heitmeier	Schedler
Chaisson	Hollis	Smith
Cheek	Irons	Theunissen
Cravins	Jackson	Ullo
Dardenne	Jones	
Duplessis	Kostelka	
Total—37		

NAYS

Total—0

ABSENT

Holden
Total—2
McPherson

The Chair declared the bill was passed. The title was read and adopted. Senator Malone moved to reconsider the vote by which the bill was passed and laid the motion on the table.

Mr. President in the Chair

Rules Suspended

Senator Boasso asked for and obtained a suspension of the rules for the purpose of reverting to the Morning Hour.

Message from the House

DISAGREEMENT TO HOUSE BILL

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 119 by Representative Toomy, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

DISAGREEMENT TO HOUSE BILL

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has refused to concur in the proposed Senate Amendment(s) to House Bill No. 409 by Representative Damico, and ask the President to appoint on the part of the Senate a committee to confer with a like committee from the House on the disagreement; and to inform your honorable body that the Speaker of the House of Representatives has appointed the following members as conferees on the part of the House:

Representatives Damico, Lancaster and Martiny.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

Message from the House

HOUSE CONFEREES APPOINTED

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has appointed the following members, on the part of the House of Representatives, to confer, with a like committee from the Senate, on the disagreement to House Bill No. 1015 by Representative Lancaster:

Representatives Lancaster, Salter and Broome.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

**Appointment of Conference Committee
on House Bill No. 119**

The President of the Senate appointed on the Conference Committee on House Bill No. 119 the following members of the Senate: Senators Marionneaux, Lentini and Hainkel.

**Appointment of Conference Committee
on House Bill No. 1015**

The President of the Senate appointed on the Conference Committee on House Bill No. 1015 the following members of the Senate: Senators Hines, Jones and Amedee.

**Appointment of Conference Committee
on House Bill No. 1363**

The President of the Senate appointed on the Conference Committee on House Bill No. 1363 the following members of the Senate: Senators Mount, Cravins and Nevers.

**Appointment of Conference Committee
on House Bill No. 409**

The President of the Senate appointed on the Conference Committee on House Bill No. 409 the following members of the Senate: Senators Ullo, Dardenne and Jones.

**Appointment of Conference Committee
on House Bill No. 733**

The President of the Senate appointed on the Conference Committee on House Bill No. 733 the following members of the Senate: Senators B. Gautreaux, McPherson and Ellington.

**Introduction of Resolutions,
Senate and Concurrent**

Senator Bajoie asked for and obtained a suspension of the rules for the purpose of introducing and reading the following Resolutions, Senate and Concurrent, a first and second time and acting upon them as follows:

**SENATE RESOLUTION NO. 109—
BY SENATORS HOLDEN AND HAINKEL
A RESOLUTION**

To establish a special committee to study programs that encourage construction of low income housing.

On motion of Senator Holden, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 110—

BY SENATOR BARHAM

A RESOLUTION

To amend and readopt Rule No. 13.20(A) of the Rules of Order of the Senate; to remove the limitation that a select committee has the same powers, duties, and authorities and is subject to the same rules as standing committees only during interims between sessions.

On motion of Senator Barham, the resolution was read by title and adopted.

SENATE RESOLUTION NO. 111—

BY SENATOR HAINKEL

A RESOLUTION

To express sincere and heartfelt condolences upon the death of Specialist James Lambert of the United States Army's 3rd Battalion, 62nd Air Defense Artillery, 10th Mountain Division (Light Infantry) based in Fort Drum, New York, on May 25, 2004.

On motion of Senator Hainkel, the resolution was read by title and adopted.

SENATE CONCURRENT RESOLUTION NO. 142—

BY SENATOR HAINKEL

A CONCURRENT RESOLUTION

To urge and request state and local government to declare a moratorium on the use of any type of tax increment financing and to direct the Senate Committee on Finance and the House Committee on Appropriations to operate as a joint committee for the purpose of studying the effects on state and local governments of using tax increment financing to fund private businesses.

On motion of Senator Bajoie, the resolution was read by title and referred to the Committee on Finance.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

**ASKING CONCURRENCE IN
HOUSE BILLS AND JOINT RESOLUTIONS**

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Bills and Joint Resolutions:

HOUSE BILL NO. 1399—

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 3:3801(A)(introductory paragraph) and 3803 and to enact R.S. 3:3801(A)(14), (C)(11), 3804(A)(8), 3807(B)(7), 3808(P), and 3816(5), relative to the landscape

irrigation contractors; to provide for the licensing of landscape irrigation contractors; to provide for commission membership; to provide for examination of applicants; to provide for regulation and licensure terms and conditions; to provide for exemptions; and to provide for related matters.

**HOUSE BILL NO. 1720 (Substitute for House Bill No. 1669
by Rep. Broome)—**

BY REPRESENTATIVE BROOME

AN ACT

To enact Chapter 31 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1270.1 through 1270.4, to establish the Neighborhood Enhancement Program within the Department of Culture, Recreation and Tourism; to provide for program requirements; and to provide for related matters.

HOUSE BILL NO. 1063—

BY REPRESENTATIVE JACK SMITH

AN ACT

To authorize and provide for the transfer of certain state property in St. Mary Parish to the governing authority of St. Mary Parish; and to provide for related matters.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

**House Bills and Joint Resolutions
on First Reading**

The following House Bills and Joint Resolutions were read a first time by their titles and placed on the Calendar for their second reading:

HOUSE BILL NO. 1063—

BY REPRESENTATIVE JACK SMITH

AN ACT

To authorize and provide for the transfer of certain state property in St. Mary Parish to the governing authority of St. Mary Parish; and to provide for related matters.

The bill was read by title; lies over under the rules.

HOUSE BILL NO. 1399—

BY REPRESENTATIVE SALTER

AN ACT

To amend and reenact R.S. 3:3801(A)(introductory paragraph) and 3803 and to enact R.S. 3:3801(A)(14), (C)(11), 3804(A)(8), 3807(B)(7), 3808(P), and 3816(5), relative to the landscape irrigation contractors; to provide for the licensing of landscape irrigation contractors; to provide for commission membership; to provide for examination of applicants; to provide for regulation and licensure terms and conditions; to provide for exemptions; and to provide for related matters.

The bill was read by title; lies over under the rules.

**HOUSE BILL NO. 1720 (Substitute for House Bill No. 1669
by Rep. Broome)—**

BY REPRESENTATIVE BROOME

AN ACT

To enact Chapter 31 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1270.1 through 1270.4, to

establish the Neighborhood Enhancement Program within the Department of Culture, Recreation and Tourism; to provide for program requirements; and to provide for related matters.

The bill was read by title; lies over under the rules.

Messages from the House

The following Messages from the House were received and read as follows:

Message from the House

ASKING CONCURRENCE IN HOUSE CONCURRENT RESOLUTIONS

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the House of Representatives has finally passed and asks your concurrence in the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 264— BY REPRESENTATIVES HONEY AND HUNTER

A CONCURRENT RESOLUTION

To recognize October 28, 2004, as the 2004 National Student/Parent Mock Election Day and to urge and request full and enthusiastic participation by students, teachers, and parents in the Mock Election activities being held from August until October of 2004.

Respectfully submitted,
ALFRED W. SPEER
Clerk of the House of Representatives

House Concurrent Resolutions

Senator Bajoie asked for and obtained a suspension of the rules to take up at this time the following House Concurrent Resolutions just received from the House which were taken up, read a first and second time by their titles and acted upon as follows:

HOUSE CONCURRENT RESOLUTION NO. 264— BY REPRESENTATIVES HONEY AND HUNTER

A CONCURRENT RESOLUTION

To recognize October 28, 2004, as the 2004 National Student/Parent Mock Election Day and to urge and request full and enthusiastic participation by students, teachers, and parents in the Mock Election activities being held from August until October of 2004.

The resolution was read by title. Senator Holden moved to concur in the House Concurrent Resolution.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President Ellington Malone

Adley	Fields	Marionneaux
Amedee	Fontenot	McPherson
Bajoie	Gautreaux, B	Michot
Barham	Gautreaux, N	Mount
Boasso	Heitmeier	Nevers
Cain	Holden	Romero
Chaisson	Hollis	Schedler
Cheek	Irons	Smith
Cravins	Jackson	Theunissen
Dardenne	Jones	Ullo
Duplessis	Kostelka	
Dupre	Lentini	
Total—37		

NAYS

Total—0

ABSENT

Boissiere	Hainkel
Total—2	

The Chair declared the Senate had concurred in the House Concurrent Resolution and ordered it returned to the House.

Motion to Recommit

Senator Jackson moved that House Bill No. 1272 be recommitted from the Committee on Judiciary B to the Committee on Judiciary C.

Senator Malone objected.

ROLL CALL

The roll was called with the following result:

YEAS

Mr. President	Dupre	Marionneaux
Adley	Fields	Michot
Amedee	Gautreaux, B	Nevers
Bajoie	Gautreaux, N	Romero
Chaisson	Holden	Schedler
Cheek	Irons	Ullo
Cravins	Jackson	
Duplessis	Jones	
Total—22		

NAYS

Barham	Fontenot	Malone
Boasso	Heitmeier	Mount
Cain	Hollis	Smith
Dardenne	Kostelka	Theunissen
Ellington	Lentini	
Total—14		

ABSENT

Boissiere	Hainkel	McPherson
Total—3		

The Chair declared the bill was recommitted to the Committee on Judiciary C.

Message from the House**SIGNED HOUSE BILLS AND
JOINT RESOLUTIONS**

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Bills and Joint Resolutions:

HOUSE BILL NO. 189—

BY REPRESENTATIVES WINSTON, KATZ, LABRUZZO, WADDELL,
AND BRUCE AND SENATORS BAJOE, HOLLIS, AND NEVERS
AN ACT

To enact R.S. 45:844.12(4)(i) and (j), relative to telephone solicitation; to exempt calls from optometrists, dentists, and chiropractic physicians to their patients from definition of solicitation; to exempt calls from veterinarians to their clients from definition of solicitation; and to provide for related matters.

HOUSE BILL NO. 217—

BY REPRESENTATIVES MARTINY AND DAMICO AND SENATORS
BOSSIÈRE AND ULLO
AN ACT

To enact R.S. 44:4(40), relative to records of public bodies; to exempt certain records pertaining to security systems and features, interior layouts of residences, and certain proprietary information submitted to obtain individual building permits from public records laws; and to provide for related matters.

HOUSE BILL NO. 303—

BY REPRESENTATIVES R. CARTER AND MCVEA AND SENATOR
NEVERS
AN ACT

To enact R.S. 30:2154(B)(2)(g), relative to solid waste; to provide for the authority of the secretary of the Department of Environmental Quality; to provide for the registration and permitting of certain solid waste facilities in St. Helena Parish; and to provide for related matters.

HOUSE BILL NO. 332—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 6:1087(B)(1) and (C), relative to the residential mortgage lenders; to provide for an exemption from licensure and continuing education requirements for employees and exclusive agents of direct or indirect subsidiaries of holding companies; and to provide for related matters.

HOUSE BILL NO. 428—

BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 37:1285.3, relative to the Louisiana State Board of Medical Examiners; to require that security accompany any judicial review of a final decision of the board; and to provide for related matters.

HOUSE BILL NO. 447—

BY REPRESENTATIVE PINAC
AN ACT

To amend and reenact R.S. 6:969.18(A), relative to documentation fees authorized under the Motor Vehicle Sales Finance Act; to clarify the types of persons who can properly charge documentation fees; and to provide for related matters.

HOUSE BILL NO. 471—

BY REPRESENTATIVE MURRAY
AN ACT

To amend and reenact R.S. 47:2110(A)(2)(i), relative to the ad valorem tax; to provide for the timely payment of taxes paid under protest; and to provide for related matters.

HOUSE BILL NO. 473—

BY REPRESENTATIVE DURAND
AN ACT

To enact R.S. 37:1285(G), (H), and (I), relative to the Louisiana State Board of Medical Examiners; to provide for strict limitations and conditions on staying or continuing an adjudication proceeding, decision, or order of the board prior to the issuance of a final decision; and to provide for related matters.

HOUSE BILL NO. 531—

BY REPRESENTATIVE JOHNS AND SENATOR N. GAUTREAUX
AN ACT

To amend and reenact R.S. 9:315.11, relative to the calculation of child support; to provide for the determination of a party's income earning potential; to provide for the imputation of income; and to provide for related matters.

HOUSE BILL NO. 561—

BY REPRESENTATIVES WALSWORTH, KATZ, AND THOMPSON
AN ACT

To enact R.S. 14:61, relative to unauthorized entry of a critical infrastructure; to define unauthorized entry of a critical infrastructure; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 576—

BY REPRESENTATIVE BOWLER
AN ACT

To amend and reenact Civil Code Articles 571 and 573 and to repeal Code of Civil Procedure Article 3154.1, relative to usufructuaries; to provide for the giving of security; to provide for the type of security; to prohibit dispensing with security for certain testamentary usufructs; and to provide for related matters.

HOUSE BILL NO. 577—

BY REPRESENTATIVE JACKSON AND SENATOR N. GAUTREAUX
AN ACT

To enact Code of Civil Procedure Article 224(11), relative to contempt of court; to provide for constructive contempt of court for making a false statement of a material fact for support enforcement services; to provide for contempt of court for failing to disclose a material fact for support enforcement services; and to provide for related matters.

HOUSE BILL NO. 593—

BY REPRESENTATIVES ALARIO AND SALTER AND SENATORS HEITMEIER AND HINES

AN ACT

To amend and reenact R.S. 39:1537(6), relative to the risk management program; to eliminate the requirement for submission of a yearly cost comparison between commercial and self-insurance lines of coverage; to provide for inclusion of certain data comparisons in the annual report; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 601—

BY REPRESENTATIVE BALDONE AND SENATOR B. GAUTREAUX

AN ACT

To amend and reenact R.S. 56:323(B) and (C) and 500(B), relative to taking of shrimp; to provide possession limits for bait shrimp; to provide relative to gear size limits for recreational taking of shrimp; and to provide for related matters.

HOUSE BILL NO. 602—

BY REPRESENTATIVE DANIEL

AN ACT

To amend and reenact R.S. 56:497(B)(2) and (C)(1), relative to saltwater shrimp; to provide relative to the methods of taking bait shrimp; to provide relative to a bait dealer's permit; and to provide for related matters.

HOUSE BILL NO. 638—

BY REPRESENTATIVE QUEZAIRE

AN ACT

To enact R.S. 48:461.27, relative to outdoor advertising devices; to provide for permits for outdoor advertising devices in forestry management areas; to provide relative to applications for permits; and to provide for related matters.

HOUSE BILL NO. 695—

BY REPRESENTATIVE JACK SMITH

AN ACT

To enact Subpart C of Part V of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:291, relative to management of wild animals; to prohibit the intentional feeding of bears in the wild; to provide for penalties; and to provide for related matters.

HOUSE BILL NO. 1111—

BY REPRESENTATIVE TOOMY

AN ACT

To amend and reenact R.S. 40:1049(E), relative to transactions involving proceeds from drug offenses; to provide that the term of imprisonment be served with or without hard labor; and to provide for related matters.

HOUSE BILL NO. 1115—

BY REPRESENTATIVE HAMMETT

AN ACT

To amend and reenact R.S. 47:1606, relative to the Department of Revenue; to authorize the Department of Revenue to assess a distraint cost penalty; to provide for an effective date; and to provide for related matters.

HOUSE BILL NO. 1265—

BY REPRESENTATIVES THOMPSON, PINAC, BRUCE, DOERGE, FRITH, MARCHAND, RITCHIE, SCALISE, SHEPHERD, GARY SMITH, TRAHAN, WADDELL, WALSWORTH, AND WHITE AND SENATORS ELLINGTON AND SMITH

AN ACT

To amend and reenact R.S. 36:4(L) and to enact Part IV of Chapter 3 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:955.1 through 955.4, relative to economic development; to create the Louisiana Broadband Advisory Council; to provide that such council shall be in the Governor's Office of Rural Development; to provide for definitions; to provide for the membership, terms, and vacancies of the council; to provide for the duties of the council; to provide for assistance from other entities; to provide for staff, consultants, and the utilization of monies; and to provide for related matters.

HOUSE BILL NO. 1330—

BY REPRESENTATIVES JOHN SMITH AND SALTER AND SENATOR CAIN

AN ACT

To enact R.S. 33:1429.1, relative to law enforcement; to authorize certain sheriffs to engage in cooperative endeavors with other law enforcement agencies within the parish for law enforcement purposes, including providing funds to other law enforcement agencies in the parish; to provide limitations; and to provide for related matters.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Bills and Joint Resolutions contained herein were signed by the President of the Senate.

Message from the House

SIGNED HOUSE CONCURRENT RESOLUTIONS

June 3, 2004

To the Honorable President and Members of the Senate:

I am directed to inform your honorable body that the Speaker of the House of Representatives has signed the following House Concurrent Resolutions:

HOUSE CONCURRENT RESOLUTION NO. 90—

BY REPRESENTATIVE TOWNSEND

A CONCURRENT RESOLUTION

To urge and request the Louisiana Supreme Court to study and make recommendations for a uniform and streamlined procedure for expungement of criminal records.

HOUSE CONCURRENT RESOLUTION NO. 134—

BY REPRESENTATIVE DANIEL

A CONCURRENT RESOLUTION

To express the intent of the Louisiana Legislature in the passage of Act No. 715 of the 2003 Regular Session relative to the retroactive effects on the ownership of improvements, including

abandoned oil casings and facilities placed by a lessee or another third party on the land of another.

HOUSE CONCURRENT RESOLUTION NO. 228—
BY REPRESENTATIVES QUEZAIRE, HUNTER, AND PIERRE AND
SENATOR CRAVINS

A CONCURRENT RESOLUTION

To urge and request the Department of Transportation and Development to designate the section of Interstate 49 in St. Landry Parish between Sunset and Washington as the Charles I. "Doc" Hudson Highway.

HOUSE CONCURRENT RESOLUTION NO. 235—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend Richard Joseph Catalon, Sr. of Lafayette posthumously upon the special presentation in his honor on Creole Culture Day on June 5, 2004, at Vermilionville in Lafayette.

HOUSE CONCURRENT RESOLUTION NO. 236—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Ann Bryan.

HOUSE CONCURRENT RESOLUTION NO. 238—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Hardee Moseley Schmidt.

HOUSE CONCURRENT RESOLUTION NO. 239—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To express sincere and heartfelt condolences upon the death of Donna Bennett Johnston.

HOUSE CONCURRENT RESOLUTION NO. 240—
BY REPRESENTATIVES LAMBERT, QUEZAIRE, AND SMILEY AND
SENATOR AMEDEE

A CONCURRENT RESOLUTION

To commend the Dutchtown High School Lady Griffin gymnastics team upon winning the state championship.

HOUSE CONCURRENT RESOLUTION NO. 242—
BY REPRESENTATIVE MARTINY

A CONCURRENT RESOLUTION

To declare June 8, 2004, as Boys and Girls Club Day in the state of Louisiana.

HOUSE CONCURRENT RESOLUTION NO. 245—
BY REPRESENTATIVE THOMPSON

A CONCURRENT RESOLUTION

To commend Dr. William H. Brown upon his retirement after providing more than twenty-eight years of dedicated service to the Louisiana State University System.

HOUSE CONCURRENT RESOLUTION NO. 247—
BY REPRESENTATIVE KENNARD

A CONCURRENT RESOLUTION

To commend Gayle Hatch of Baton Rouge upon his selection as coach of the men's 2004 United States Olympic Weightlifting Team.

HOUSE CONCURRENT RESOLUTION NO. 248—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend Garret Douget for his heroism and courage while assisting in the detainment of a suspected shoplifter at a Baton Rouge store.

HOUSE CONCURRENT RESOLUTION NO. 249—
BY REPRESENTATIVE DORSEY

A CONCURRENT RESOLUTION

To commend Stanford Wilson for his heroism and courage displayed while assisting in the detainment of a shoplifting suspect at a Baton Rouge store.

HOUSE CONCURRENT RESOLUTION NO. 250—
BY REPRESENTATIVE BROOME

A CONCURRENT RESOLUTION

To recognize Delta Sigma Theta Sorority, Inc., and its support for legislation which provides affordable health insurance for all uninsured adults in Louisiana.

and asked that the President of the Senate affix his signature to the same.

Respectfully submitted,

ALFRED W. SPEER

Clerk of the House of Representatives

The House Concurrent Resolutions contained herein were signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 3, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Bill has been properly enrolled:

SENATE BILL NO. 768—
BY SENATOR HOLLIS AND REPRESENTATIVE JOHNS
AN ACT

To amend and reenact R.S. 6:965(C)(3) and (4) and 966 and to enact R.S. 6:965(C)(5) and (D) and 966.1, relative to additional default remedies; to provide for definitions; to provide for procedures for taking possession of collateral upon default; to provide for repossession agent licenses; to provide for a notice of repossession; to provide for contents; and to provide for related matters.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Bill was signed by the President of the Senate.

**Privilege Report of the Committee on
Senate and Governmental Affairs**

ENROLLMENTS

Senator Jones, Chairman on behalf of the Committee on Senate and Governmental Affairs, submitted the following report:

June 3, 2004

To the President and Members of the Senate:

I am directed by your Committee on Senate and Governmental Affairs to submit the following report:

The following Senate Concurrent Resolution has been properly enrolled:

SENATE CONCURRENT RESOLUTION NO. 134—
BY SENATOR MARIONNEAUX AND REPRESENTATIVES
CAZAYOUX AND ST. GERMAIN

A CONCURRENT RESOLUTION

To urge and request the governor of the state of Louisiana to issue an executive order or proclamation declaring Pointe Coupee Parish and Iberville Parish as disaster areas.

Respectfully submitted,
CHARLES D. JONES
Chairman

The foregoing Senate Concurrent Resolution was signed by the President of the Senate.

Adjournment

Senator Bajoie moved that the Senate adjourn until Friday, June 4, 2004, at 9:30 o'clock A.M.

The President of the Senate declared the Senate adjourned until 9:30 o'clock A.M. on Friday, June 4, 2004.

GLENN A. KOEPP
Secretary of the Senate

GAYE F. HAMILTON
Journal Clerk